

| Application Number | Date of Appln | Committee Date | Ward |
|---------------------------|----------------------|-----------------------|------------------------|
| 090885/OO/2009/S2 | 27th Jul 2009 | 22nd Oct 2009 | Woodhouse Park Ward |

Proposal OUTLINE APPLICATION seeking approval for the principle and access for the erection of 3 storey x 40 bed care home (Class C2) with associated car parking and landscaping / amenity space

Location Land At Selstead Road, Wythenshawe, Manchester

Applicant , Kings Gate Developments Ltd, C/o Agent

Agent Miss Caroline Taylor, Emery Planning Partnership Ltd, 4 South Park Court, Hobson Street, Macclesfield, SK11 8BS

Description

The application was reported to the Wythenshawe Area Committee on the 24th September 2009, the committee made the following resolution:

Recommend to the Planning and Highways Committee that the application be refused on the grounds that the proposed development is located in an area identified in the City Council Special Needs and Supported Housing Policy as having above average provision. The applicant has failed to demonstrate a local unmet need, and it is the considered view of this Committee that further provision would lead to an over supply and over concentration of this type of special needs housing in this ward. As such the Committee considers the proposed development to be contrary to policies H1.5 and DC2 of the Manchester Unitary Development Plan and to the provisions of the Special Needs and Supported Housing Policy which is Supplementary Planning Guidance forming part of the Development Plan.

The application site is located on Selstead Road in Wythenshawe, it is approximately 0.3 hectares and rectangular in shape. The site has been cleared and has been vacant for approximately 5 years, the last use was a Social Club.

The site is adjoined to the north with the Woodpecker Public House and the remaining three sides are adjoined with residential properties. The character of the area is therefore residential in nature and defined by two storey semi detached properties. Marion Lauder House, which provides care and support for people with dementia, is located on Lincombe Road, approximately 0.6 miles from the application site.

The application being considered is for outline permission, seeking approval for the principle and access for the erection of a 3 storey, 40 bed care home (Class C2) with associated car parking and landscaping / amenity space. It is proposed that the care home would cater for Elderly Mentally Infirm patients (EMI).

Though the application is accompanied with drawings, which show the scale, massing and layout of the development, these are indicative only. Therefore the only two factors, which are being considered, are the principle of the use and the access.

Consultations

Local Residents – 5 letters of objection were received, the objections are summarised below:

- Noise and disturbance
- Overlooking
- A 3 storey building will be out of character with the area as all the properties in the area are 2 storey.
- Parking
- There are other sites in the area that are more suitable for this type of development.

Engineering Services – There are no highways objections.

Environmental Health – Historical information relating to this site indicates the possible presence of significant levels of contamination. It is therefore recommended that conditions are attached related to remedial works.

Environment & Operations (Trees) – No objections

Special Needs & Supported Housing – The application site is located within a Category A area, which is an area of high provision and therefore it would be unsustainable to increase the amount of beds in such an area. Schemes in category A areas would not be supported normally. Exceptions may be allowed where a local unmet need is identified, change of use of an existing project may be appropriate but only exceptionally would a new project be supported. In this case there is no evidence that there is a local unmet need, and Marion Lauder House, which provides care and support for people with dementia is located very close by on Lincombe Road, M22 1PY.

Information about the care provider and service delivery model was requested but no information was provided.

Greater Manchester Police - No comments

Design for Security - No objections, however it is recommend that the fencing located to the side of the building enclosing the rear garden space is increased in height to 1800mm.

Steve Hobson, Crime Reduction Officer – No comments

Travel Change Team – The Framework Travel Plan (FTP) has not been approved. The following information is required:

- Number of staff and potential visitors to the site.
- Contact details of TPC or another until this position has been appointed.
- Date of when development is to be completed / occupied.
- Investigate Manchester City Car Club Whizz Go pay by the hour cars. Also GM Cycle maps and online journey planners including public transport and Walkit.com.

- Will submit survey results to MCC Travel Change Team (details below). A resurvey will be conducted every two years thereafter, not each year as in part 5.2.
- Cycle storage needs to be secure i.e. under cover, lock and key rather than just Sheffield Stands.

Wythenshawe Regeneration Team - There appears to be no evidence of unmet need for this type of provision and there is also existing local provision nearby.

The surrounding residential dwellings are predominantly two storey semi-detached or short terraces built in the interwar style. The proposed scale and height of the proposed building could dominate the street scene particularly from the Selstead Road frontage and its relationship to the adjacent public house.

On this basis the WRT would not want to support the application.

Issues

Unitary Development Plan (UDP) – There are no site specific policies in the UDP. However, when dealing with an application such as this, consideration is given to policies H1.5, H2.2 and H2.7 in Part 1 of the UDP and policies DC2 and DC7 in Part 2 of the UDP.

Policy H1.5 states that the City Council wishes to ensure that the City's various communities remain, or become more, sustainable in economic and social terms. In this respect, whilst generally welcoming housing developments which will provide accommodation for people with special needs in appropriate locations, the City Council will seek to avoid an over-concentration of such provision in any one area.

The Council keep under review the question of which areas of the City might give rise for concern in this respect. Supplementary Planning Guidance (SPG) 'Special Needs and Supported Housing,' gives detailed effect to this policy.

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

Policy H2.7 states that new housing schemes will be expected to be of a high standard of design and make a positive contribution towards improving the City's environment.

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

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

The policy states further 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:

- 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;
- to ensure the protection of the residential character and amenity of family housing within established communities;
- to avoid the unnecessary loss of the bigger dwelling houses available for larger and extended families;
- to help local communities accommodate a range of special needs without the risk of social stress;
- to avoid stigmatising a particular neighbourhood or a particular type of accommodation;
- 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;
- 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;
- to avoid creating disproportionate stress on local services, such as health and education; and
- 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 DC7 (New Housing) states that the City Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people, including those who use wheelchairs, wherever this is practicable.

Supplementary Planning Guidance (SPG): Special Needs and Supported Housing – This SPG, which was approved on 8th April 1998, identifies the areas within the City where supported housing would be considered acceptable in principle. This has been done by combining the data on the current provision of special needs and supported housing in a ward with the data on that particular ward's social and economic sustainability, this in turn resulted in the categorisation of each ward within the City into one of the following areas:

- Category A area – areas with above average Special Needs and Supported Housing Provision and high unsustainability.
- Category B area – areas with above average Special Needs and Supported Housing Provision, but not high unsustainability.
- Category C area – areas with below average Special Needs and Supported Housing Provision, but high unsustainability, and
- Category D area – areas with below average Special Needs and Supported Housing Provision and which are not high in terms of unsustainability.

In general terms, the SPG states that applications for special needs and supported housing in Category A areas would not be supported; that schemes in Category B and C areas would be given careful consideration; and that schemes in Category D areas are most likely to receive support.

North West of England Plan Regional Spatial Strategy (RSS) to 2021 (adopted September 2008) – The following policies are considered to be of relevance:

Policy DP1, 'Regional Development Principles', states that proposals and schemes should be located so as to make effective use of land, buildings and infrastructure and a sequential approach to development should be adopted to meet development needs.

Policy DP2, "Promote Sustainable Communities", states that sustainable communities should meet the diverse needs of existing and future residents, promote community cohesion and equality and diversity, be sensitive to the environment and contribute to a high quality of life, particularly by:

- Taking into account the economic, environmental, social and cultural implications of development.

Principle – The Special Needs and Supported Housing Supplementary Planning Guidance identifies the application site as being within a Category A area, which is an area of above average provision. Further more, Marion Lauder House, which provides care and support for people with dementia is located only 0.6 miles from the proposal site, it is therefore considered that this particular ward has adequate provision of EMI care and an increase would lead to an over supply of this type of special needs housing in this area of the City.

Though there are provisions within the policy for exceptions to meet an unmet local need, no evidence of such a need formed part of this application. It is therefore considered that there is no demand for additional bed spaces within Woodhouse Park ward and for that reason the proposal can not be considered as an exception.

It is considered that if further provision was allowed in this area, only 0.6 miles away from Marion Lauder House, it would lead to an over concentration of the use in this area and would be contrary to the City Council's aim of ensuring an even spread of "special needs" accommodation within local areas and across the City as a whole.

In light of the above the Head of Planning does not consider the proposed use as being acceptable for the proposed location.

Access – No concerns have been raised, therefore it is considered that the proposed access is suitable.

Design, scale, massing and layout – Since this application is outline, seeking approval only for principle and access these issues are not being considered.

Comments from the applicant:

1. The option of providing Extra Care Sheltered Housing has been explored but it is considered that it would not be viable on this site.
2. It is considered that a refusal on the current application on the basis of lack of need would be unreasonable.
3. There is no requirement within the development plan to demonstrate need.
4. Development plan policies are supportive of C2 uses within residential areas.
5. The Council's SPG on supported housing supplements the relevant policies in the development plan but is not part of it. In any event the SPG does not preclude development proposals such as this.
6. The purpose of the SPG is to resist the loss of large houses to supported housing where there would be a concentration of these uses.
7. There would not be a concentration of C2 uses on Selstead Road and no resultant impact on the character of the area or amenity of **surrounding** residential properties.
8. Furthermore, this proposal would not result in the loss of residential units. To the contrary it would result in the efficient re-use of a previously developed site which has been vacant for some years, in accord with RSS policies.

Points 2 and 3 - Any consideration of need forms a part of the overall assessment of whether or not a certain type of supported housing accommodation is acceptable in a particular ward. Reference to assessments is made in policy DC2b.1.

Point 4 – Development plan policies are supportive of proposals such as this in residential areas, but not, as in this case, if the proposal would result in an over-concentration of special needs housing in a particular ward (policies H1.5 and DC2.1f)

Point 5 – Approval of the SPG in April 1998 resulted in amendments to policy DC2 (introduced policies DC2a and 2b) and further supported policy H1.5. Both policies seek to avoid an over-concentration of special needs housing in a particular ward. It is also correct that the SPG does not preclude proposals such

as this, so long as the proposal does not lead to an over-concentration of special needs housing in a particular ward.

Point 6 – The purpose of the SPG was to “ensure that the various communities which go to make up the City remain, or become more, self-sustaining in economic and social terms.” The loss of large residential properties to supported housing uses is one of the nine reasons why supported housing applications would not be supported, i.e. it is not the sole reason for the SPG and the amended policy DC2

Point 7 – The issue concentration of supported housing uses is Ward based, i.e. it is not just one focussed on Selstead Road.

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 refusal of the application is proportionate to the wider benefits of **refusal and** that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation REFUSE

The proposed development is located in an area in the City Council Special Needs and Supported Housing Policy as being of above average provision and low sustainability and the applicant has failed to demonstrate that in the local circumstances there is clear evidence of unmet need. The proposed development is therefore contrary policy H1.5 of the Manchester Unitary Development Plan and to the provisions of the Special Needs and supported Housing Policy which is supplementary Planning Guidance forming part of the Development Plan.

Conditions and/or Reasons

1) The proposed development is located in an area in the City Council Special Needs and Supported Housing Policy as being of above average provision and low sustainability and the applicant has failed to demonstrate that in the local circumstances there is clear evidence of unmet need. The proposed development is therefore contrary policy H1.5 of the Manchester Unitary

Development Plan and to the provisions of the Special Needs and supported Housing Policy which is supplementary Planning Guidance forming part of the Development Plan.

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: 090885/OO/2009/S2 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
Environment & Operations (Trees)
Special Needs & Supported Housing
Greater Manchester Police
Steve Hobson, Crime Reduction Officer
Travel Change Team
Wythenshawe Regeneration Team
34 Rottingdene Drive, Woodhouse Park, Wythenshawe, Manchester, M22 1PJ
49 Kingsgate Road, Manchester, M22 1TW
47 Kingsgate Road, Manchester, M22 1TW
29 Kingsgate Road, Manchester, M22 1TW
27 Kingsgate Road, Manchester, M22 1TW
51 Kingsgate Road, Manchester, M22 1TW
44 Selstead Road, Manchester, M22 1TR
42 Selstead Road, Manchester, M22 1TR
66 Selstead Road, Manchester, M22 1TR
68 Selstead Road, Manchester, M22 1TR
64 Selstead Road, Manchester, M22 1TR
62 Selstead Road, Manchester, M22 1TR
60 Selstead Road, Manchester, M22 1TR
58 Selstead Road, Manchester, M22 1TR
16 Saltdene Road, Manchester, M22 1PN
5 Saltdene Road, Manchester, M22 1PN
58 Hilary Road, Manchester, M22 1WQ
11 Saltdene Road, Manchester, M22 1PN
9 Saltdene Road, Manchester, M22 1PN
7 Saltdene Road, Manchester, M22 1PN
79 Selstead Road, Manchester, M22 1TP
77 Selstead Road, Woodhouse Park, Manchester, M22 1TP
75 Selstead Road, Manchester, M22 1TP
73 Selstead Road, Manchester, M22 1TP
71 Selstead Road, Manchester, M22 1TP
67 Selstead Road, Manchester, M22 1TP
69 Selstead Road, Manchester, M22 1TP
56 Selstead Road, Manchester, M22 1TR
54 Selstead Road, Manchester, M22 1TR
52 Selstead Road, Manchester, M22 1TR

50 Selstead Road, Manchester, M22 1TR
48 Selstead Road, Manchester, M22 1TR
Woodpecker Hotel, Selstead Road, Manchester, M22 1TP
46 Selstead Road, Manchester, M22 1TR
32 Rottingdene Drive, Manchester, M22 1PJ
34 Rottingdene Drive, Manchester, M22 1PJ
43 Kingsgate Road, Manchester, M22 1TW
31 Rottingdene Drive, Manchester, M22 1PJ
45 Kingsgate Road, Manchester, M22 1TW
29 Rottingdene Drive, Manchester, M22 1PJ
30 Rottingdene Drive, Manchester, M22 1PJ
25 Rottingdene Drive, Manchester, M22 1PJ
27 Rottingdene Drive, Manchester, M22 1PJ
23 Rottingdene Drive, Manchester, M22 1PJ
21 Rottingdene Drive, Manchester, M22 1PJ
41 Kingsgate Road, Manchester, M22 1TW
39 Kingsgate Road, Manchester, M22 1TW
19 Rottingdene Drive, Manchester, M22 1PJ
17 Rottingdene Drive, Manchester, M22 1PJ
26 Rottingdene Drive, Manchester, M22 1PJ
28 Rottingdene Drive, Manchester, M22 1PJ
35 Kingsgate Road, Manchester, M22 1TW
37 Kingsgate Road, Manchester, M22 1TW
24 Rottingdene Drive, Manchester, M22 1PJ
22 Rottingdene Drive, Manchester, M22 1PJ
33 Kingsgate Road, Manchester, M22 1TW
31 Kingsgate Road, Manchester, M22 1TW
56 Hilary Road, Manchester, M22 1WQ
54 Hilary Road, Manchester, M22 1WQ
52 Hilary Road, Manchester, M22 1WQ
1 Saltdene Road, Manchester, M22 1PN
3 Saltdene Road, Manchester, M22 1PN
14 Saltdene Road, Manchester, M22 1PN
12 Saltdene Road, Manchester, M22 1PN
4 Saltdene Road, Manchester, M22 1PN
6 Saltdene Road, Manchester, M22 1PN
10 Saltdene Road, Manchester, M22 1PN
8 Saltdene Road, Manchester, M22 1PN

Representations were received from the following third parties:

34 Rottingdene Drive, Woodhouse Park, Wythenshawe, Manchester, M22 1PJ
77 Selstead Road, Woodhouse Park, Manchester, M22 1TP

Relevant Contact Officer : Charenjit Kaur
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Email : c.kaur@manchester.gov.uk