

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
090220/FO/2009/S1	4th Jun 2009	23rd July 2009	Fallowfield Ward

**Proposal** Change of use from 27 warden assisted flats to a Class C2 residential institution for residents with complex care needs (excluding a residential care home for the elderly), comprising 57 bedrooms and associated communal facilities, extensions to ground and first floor and addition of second floor, alterations to car park and landscaping of site.

**Location** Maryfield Court, Nettleford Road, Whalley Range, Manchester, M16 8NL,

**Applicant** Mr Anthony Doherty , Mariana House, 45-47 Alexandra Road South, Whalley Range, Manchester, M16 8GH,

**Agent** Mrs Kath Ludlam, Ludlam Associates, The Bank, 99 Palatine Road, Didsbury, Manchester, M20 3QJ,

### **Description**

This application relates to a two storey purpose built sheltered housing development, forming part of a larger residential development by a registered social landlord built circa 1980. The building, which is currently vacant, is construct of red brick with a tile roof. The building occupies approximately 27% of the site the remainder being given over to amenity space and car parking. Access to the car park, which is at the front of the property and accommodates 9 vehicles, is from Nettleford Road. There is a substantial hedge and a significant number of tress planted around the perimeter of the site.

To the east of the site is the Whalley Range Cricket and Lawn Tennis Club. To the north are the end gables two storey residential properties on Shuttleworth Close and Nettleford Road and to the south a small area of incidental open space around which are residential properties some of which face the site and one with a gable facing the site. There are further residential properties facing the site across Nettleford Road.

The proposed use falls within class C2 residential institutions of the Use Classes Order, though it is intended to specifically exclude a general care home, and to concentrate of the provision care to people with more complex problems such as dementia.

It is proposed to re-use the existing building, though the footprint of the building will be increased from 938 to 1,172 sq. metres, through a series of two storey extensions. In addition the existing pitched roof will be removed and replaced with a flat roofed extension. The enlarged building will provide 57 bedrooms, each with their own on-suite facilities, together with communal rooms as well as administrative and staff accommodation. The remodelled building will be accessible, having lifts and accessible bathrooms and bedrooms. The elevations of the retained building would require some remodelling to fit the new type of accommodation and rather than trying to match brickwork it is proposed to render the building.

The car park will be retained in its current position but enlarged to provide 16 space.

The site access remains unchanged. The proposed extensions do not impinge on the principle area of amenity space at the rear of the property and no trees are to be removed.

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### **Consultations**

Local Residents – One letter has been received objecting to the proposed development for the following reasons.

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Overdevelopment of the site, the proposals to extend the ground, first floor and add a second floor to this building will be totally inappropriate to the available space that this property occupies, in addition the houses of the neighbours are small and will be dominated by the proposed building.

Privacy, the addition of a second floor will mean that my property and garden will be overlooked by the windows on the proposed second floor.

Parking. Having read the 'Applicants Submission' it is considered that the applicant is not giving a true picture of the likely parking needs for a development this big. They have suggested the number of staff on site at any one time will be 20, however they are estimating that only 6 staff will have a car and require parking. It's quite possible that staff circumstances will change and all 20 staff will need parking, if this happens staff will have to park on the roads nearby which are already heavily used for parking by residents and visitors to Shakespeare House on the corner of Nettleford Road.

Noise or Disturbance, to increase the size of this development by so much, will inevitably increase the noise from residents, increased staffing and visitors. The four shift changes alone will increase noise from traffic leaving and arriving.

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Ward Members – Councillor David Royle has written in support of the proposed development which he feels will provide a much needed facility in the ward.

Greater Manchester Police Design for Security – No objections in principle however, there have been problems with youths gaining access to the site and measures should be taken to discourage them. Refuse should be stored in a secure area.

Adult Social Care – They have been working with the applicant to develop this scheme. There is a need for more provision of this type in central Manchester.

### **Issues**

Unitary Development Plan – The relevant policies contained within the plan are DC2.1 which sets out the criteria to be considered in determining applications for rest homes and care homes including the impact on residential and visual amenity, ease of access and avoidance of over concentration of similar uses. Policy H2.2 seeks to protect the amenity of residents from the adverse impact of development. Finally the Special Needs and Supported Housing Supplementary Planning Guidance identifies the levels of provision found throughout the City and the broad approach to be adopted in each area.

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Regional Spatial Strategy - The RSS was adopted as part of the Development Plan for the City of Manchester in September 2008. The relevant policies are:

DP1 Which sets down the Spatial principles that underpin the RSS

DP2 Which seeks to promote sustainable communities

DP4 Which looks to make the best use of existing resources and infrastructure

Principle – Creating a sustainable community involves providing a range of housing/accommodation to meet the diverse needs found in communities. It is therefore appropriate to locate care home within a well established and stable community. The principle of the proposed development is therefore acceptable.

Disabled Access – Given the limitations of a conversion the property has been designed to be as close as possible to the requirements of DFA2. The principle shortfall relates to the en-suite facilities, however, there are separate bathrooms throughout the development for those who require more space or assistance, and it is likely that many will assistance. There are two lifts within the development.

Crime and Disorder – There have been instances of trespass in respect of the property though this may have been a result of the premises being vacant for some time. This should diminish when there is a permanent use on the site.

Special Needs and Supported Housing Policy – The application site is located within a category B area that is an area of High Provision and low unsustainability. The policy goes on to say that in such areas scheme should be given careful consideration in the light of local circumstances and where there is clear evidence of unmet need. In the case of Maryfield an earlier application for a general care home was withdrawn when it became clear that the scheme would result in an overprovision of care beds in the area. This current proposal has been the subject of discussions with officers from Adult Social Care who indicated that there is a need in the area for a care home of the scale proposed providing specialist care for people with complex issues such as dementia.

Scale and Massing of Proposed Extensions – Clearly the introduction of a second floor in place of the pitched roof will increase the overall massing of the building. However, the bulk of the building is set back from the public domain and therefore the additional height will not impact on people passing the site whilst the closest properties present a gable elevation to the property. Overall the increase in size of the property introduces some variety into the street scene.

Design – The introduction of a contemporary styled second floor instead of the existing pitched roof is considered to be an appropriate design solution, whilst the other elevational alterations proposed will reflect this approach.

Parking – The existing car park is to be enlarged to accommodate an additional 7 vehicles as well as being remodelled to pull it further away from the nearest houses and broken up to reduce its impact. Whilst the City Council has no standard for this

type of development a provision of between three and four bedrooms per space is considered sufficient for staff and visitor needs and should not lead to a substantive parking problem in the area.

Amenity Space – The proposed development will take the site coverage up from 27% to 37% mostly in areas that would not normally be considered usable amenity space. The principle area of amenity space at the rear of the property remains untouched. Despite the increase in numbers of people resident on the site the level of amenity space is considered acceptable.

Residential amenity – The proposed extensions are sufficiently far from residential properties not to have an overbearing impact whilst the windows to habitable rooms look out to the front and rear and are thus unlikely to cause any overlooking issues.

Trees - None of the trees with the site are to be lost to the development.

Conclusion – There are two distinct, but interrelated issues arising from the proposed development. Firstly the provision of specialist care, this is a growth area, particularly caring for people with dementia which afflicts not just the elderly. Thus whilst the provision of a care home for the elderly would conflict with City Council policy, this proposal responds to an unmet need is therefore acceptable. The second issue relates to the proposed alterations necessary to facilitate the change of use. Whilst these are quite extensive and significantly alter the appearance of the building, they do not result in a building that, physically, is much larger than the existing. The design of the extensions has been carefully considered in terms of its impact on residential amenity and there will be no loss of privacy or overshadowing of the surrounding properties. Overall this is a well considered scheme that should make a positive contribution to the amenity of residents in the area.

**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 on the basis that the proposal is in accord with the City Council's Unitary Development Plan in particular policy H2.2 which seeks to protect the amenity of local residents from the adverse impact of development, policy Dc2.1 which sets down the criteria to be considered in determining applications for rest homes and nursing homes and the special Needs and Supported Housing Supplementary Planning Guidance 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) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

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, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

3) 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: scm 430/PO1 to PO6 (inclusive) and scm 430 PO11 to PO19 (inclusive), stamped received on 29 May 2009

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 of the Manchester Unitary Development Plan.

4) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policies H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

5) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a)

and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with Policies 2.4 and 2.6 of the Unitary Development Plan for the City of Manchester.

6) The wheels of contractors vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

### **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: 090220/FO/2009/S1 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:**

Environmental Health  
Special Needs & Supported Housing  
The City Solicitor

Greater Manchester Police  
2 to 32, 13 to 27 Nettleford Road  
1 to 17, 2 to 10 Shuttleworth Close  
1 to 27 (inclusive) Maryfield Court Nettleford Road

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

Councillor David Royle  
8 Shuttleworth Close

**Relevant Contact Officer :** Dave Morris  
**Telephone number :** 0161 234 4539  
**Email :** d.morris@manchester.gov.uk