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Didsbury East Ward	Application Number 081974/FO/2007/S2	Date of Appln 8th Feb 2007	Committee Date 15th Mar 2007
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Proposal Change of use from dwelling to a respite care unit (Class C2 use) for people with learning difficulties and erection of single storey rear extension following demolition of existing conservatory

Location 7 Fairmile Drive, East Didsbury, Manchester, M20 5WS,

Applicant U B U Ltd 7 Haywra Street, Harrogate, HG1 5BJ

Agent MJF Architects Ltd 659A Roundhay Road, Oakwood, Leeds, LS8 4BA

Description

7 Fairmile Drive is a 2 storey detached dwellinghouse situated to the east of the junction with Selsey Drive. To the east of the property stands a pair of semi-detached dwellings, namely nos. 9 and 11 Fairmile Drive, while to the west, on the opposite side Selsey Drive, stands no. 5 Fairmile Drive which is currently in use as a hairdressers with residential above. On the opposite side of Fairmile Drive there stands further dwellinghouses.

The applicants are proposing to change the use of the dwelling to a five bedroomed respite care unit for four people with learning difficulties and their carer. The proposed use would provide respite care for learning disabled adults, particularly for carers whose sons and daughters are in transition from the Children Services to Adult Social Care. The service would operate all year round and provide transport to and from carers homes and/or day services. In addition, the applicants are proposing to erect a single storey rear extension to form additional living accommodation, following the demolition of the existing conservatory.

Consultations

Local Residents – Six letters of objection have been received from local residents, the main points of which are outlined below:

- The proposal would operate 24 hours a day, 7 days a week, this will introduce a significant increase to noise and disturbance to a quiet residential estate, an estate which is made up of both elderly residents and families with young children.
- There are no other businesses on the estate other than a small hairdressing salon which is only a 9 to 5 operation.
- The proposed new business will also introduce smells and odours at all times day and night.
- The planned development will also impact on traffic and parking. Access to the estate is limited, with only one route in and out and no direct access onto the main A34.

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- Parking on the estate is already at a premium and this will introduce further problems.
- The proposal would devalue property.
- The proposal may pose a risk to residents - the term learning difficulties covers a broad spectrum including severe behavioural issues.
- It is not a good location for those with learning difficulties as the premises is in close proximity to a major road e.g. Kingsway and also because buses continually use Fairmile Drive, passing very close to the proposed location every few minutes.

Correspondence has been received from a local resident, who, while not objecting to the proposal, would like the applicants to give consideration to:

- the future sewer maintenance for the property, i.e. would it be possible for no. 7 Fairmile Drive to have its own sewerage outflow instead of sharing it with no. 9 Fairmile Drive,

and

- minimising the noise generated by vehicles coming and going from the property,

Kingsway Triangle Residents Association – Any comments will be reported at the committee.

Environment Agency – Any comments will be reported at the committee.

Supported Housing Team – The proposal has been considered at the Supported Housing Monitoring Group. The proposed service has been commissioned by Manchester Adult Social Care and will be meeting a need for the people of the City. The location of the property is within a category D area, i.e. one of low provision and low unsustainability, accordingly the Supported Housing Monitoring Group have taken the decision to support the application.

Issues

Unitary Development Plan (UDP) – There are no site specific policies. However when dealing with an application of this nature consideration is given to policies H1.5 and H2.2 in Part 1 of the UDP and policies DC1 and DC2 which is located in Part 2 of the UDP.

Policy H1.5 states that the 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 Council will seek to avoid an over-concentration of such provision in any one area.

Policy H2.2 states that the Council will not normally 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

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appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Development Control Policy DC1, "Residential Extension", states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. the general character of the property;
 - b. the effect upon the amenity of neighbouring occupiers;
 - c. the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
 - d. the overall appearance of the proposal in the street-scene;
- and
- e. the effect of the loss of any on-site car parking.

The policy states further that extensions to residential properties will be allowed subject to compliance with other relevant policies of the UDP and the following criteria:

- a. they are not excessively large or bulky (for example, resulting in structures which are not subservient to original houses or project out too far in front of the original buildings);
 - b. they do not create an undue loss of sunlight, daylight or privacy;
 - c. they are not out of character with the style of development in the area or the surrounding street scene by virtue of design, use of materials or constructional details;
- and
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

Development Control Policy DC2, "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;

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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.

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:

(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.

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

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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.

Regional Spatial Strategy for the North West – Formerly RPG13, this provides planning guidance for the North West region. Since 2004, the RSS has formed part of the development plans, as such the weight to be attached to its policies has increased. It contains policies that address core principles of development including the following:

DP2 (Enhancing the Quality of Life) - ensuring development provides a high quality of life for this and future generations

The North West Plan, draft Regional Spatial Strategy (RSS) – Publicised in January 2006, this draft RSS document provides a framework for the physical development of the region over the next 15 to 20 years. It contains policies that address core principles of development including the following:

Policy DP1 (Regional Development Principles) – Local Authorities should make more sustainable, transparent decisions, make better use of land, buildings, ensure quality in development and tackle climate change

Policy L1 (Health and Education Services Provision) – Plans, strategies, proposals and schemes (including those of education, training and health service providers) should ensure that there is provision for all members of the community to health facilities ranging from hospitals down to locally based community health facilities. In doing so they must take account of accessibility, views of the local community (including service users) and an assessment of demographic, educational, skills & training and health needs. Particular attention should be given to improving access to and addressing spatial disparities in service and facilities provision, in areas which have the greatest needs or where communities or the local economy are poorly served.

Principle – As the property is located within a Category D ward, the principle of the proposal is considered acceptable. Notwithstanding this, consideration must

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still be given to the proposals impact upon the current levels of residential amenity and pedestrian/highway safety enjoyed within the vicinity of the site.

Residential Amenity – Given the nature and size of the proposed use, it is not considered that the comings and goings of the client group to and from the property would have a detrimental impact upon the current levels of residential amenity enjoyed within the vicinity of the site.

Pedestrian and Highway Safety – It is not anticipated that the proposal would generate such high levels of additional traffic along Fairmile Drive so as to prove a danger to both pedestrians and other users of the highway.

Parking – Off-street parking facilities exist in the form of a driveway. Given the anticipated level of use and occupancy at the property this provision is considered acceptable.

Amenity Area – Sufficient amenity space exists for the use in the form of the existing gardens.

Design and Siting of the Rear Extension – The design of the single storey rear extension is domestic in nature and is considered acceptable, furthermore its siting would not impact upon the levels of residential amenity enjoyed by the occupants of the adjoining dwelling, i.e. no. 9 Fairmile Drive.

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)/objectors/residents 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 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 accordance with the Unitary Development Plan for the City of Manchester, in particular policies H1.5, H2.2, DC1 and DC2 and the Supplementary Planning Guidance on Special Needs and Supported Housing (April 1998) and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

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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 drawings numbered 895-01, 02 and 03, stamped as received by the Local Planning Authority on 22nd January 2007, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason

To ensure that the development is carried out in accordance with the approved plans, pursuant to Policies H2.2 and DC1 in the Unitary Development Plan for the City of Manchester.

3) Construction of the works hereby approved by this permission shall not take place until samples and specifications of the 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, pursuant to Policies H2.2 and DC1 in 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: 081974/FO/2007/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 all held by the Planning Division.

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

Environment Agency

Kingsway Triangle Residents Association

1-18 Merston Drive, Manchester, M20 5NT

2-32 Laneside Road, Manchester, M20 5PD

2-56, 33-91 Morningside Drive, Manchester, M20 5PL

1-19 Fairmile Drive, Manchester, M20 5WS

903-937 Kingsway, Manchester, M20 5NS

1-23 Selsey Drive, Manchester, M20 5WW

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Representations were received from the following third parties:

Supported Housing Group

D Harrison, 1 Selsey Drive, Manchester, M20 5WW

Mr Willis, 2 Selsey Drive, Manchester, M20 5WW

Mrs Lavelle, 12 Laneside Road, Manchester, M20 5PD

Mrs A. Harrison, 22 Morningside Drive, Manchester, M20 5PL

D Healey, 36 Morningside Drive, Manchester, M20 5PN

K Gatti And Dr C Turner, 9 Fairmile Drive, Manchester, M20 5WS

Haydn A. Insley J.P., 2A Fairmile Drive, Didsbury, Manchester

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