| Application Number | Date of Appln | Committee Date | Ward |
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| 087035/FU/2008/N1 | 25th Jul 2008 | 23 Oct 2008 | Harpurhey Ward |

**Proposal** Change of use of 1067 Rochdale from apartments to adult day care centre, and change of use of garage to rear of 1069 Rochdale Road along with elevational alterations to form a one to one consulting room

**Location** Oakdene, 1067 Rochdale Road Ang Garage To Rear Of 1069 Rochdale Road, Harpurhey, Manchester, M9 8AJ,

**Applicant** Vesta Care Limited, C/o Lethbridge & Co, 82 King Street, Manchester, M2 3WQ,

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

## Description

The Site - This application relates to a property that was formerly in use as residential apartments at 1067 Rochdale Road and the double garage at the rear of the site located next door at 1069 Rochdale Road. The site is situated at the corner of Rochdale Road and Cumberland Road in the Harpurhey area of North Manchester. The area surrounding the application site is residential in nature and there is a variety of shopping, social, educational and recreational activities close by. Rochdale Road is a major arterial route into and out of the city centre.

The Proposal - Planning permission is sought for the conversion of No. 1067 Rochdale Road from apartments to an adult day care centre and the conversion of the existing garage in the rear garden of No. 1069 to a one to one care unit. A lot of the works in order to facilitate this new use have already been carried out. It should be noted that a parallel application (Ref. 087036) for the main building at No. 1069 Rochdale Road is also being considered by the City Council, however this has only recently been validated and will therefore be presented to Committee at a further meeting. App. 087036 is for the change of use of the building from residential use to offices (Use Class B1) in connection with the proposed Adult Day Centre at 1067 Rochdale Road and the creation of a hydrotherapy pool at ground floor. As the 2 properties next to each other are proposed to be used as one site, the dividing boundary wall between the properties at the rear has been removed.

The day care centre at No. 1067 would be targeted specifically at adults with a significant learning disability, with the age range of the client group being 19-50 years. However, the focus would be on meeting the growing needs of young people going through the transition from children's to adult's services. The day centre would initially operate from the ground and first floors of No. 1067, although there is a possibility that it would also move into the existing cellar and loft space in the future. The cellar would be used initially by the day care centre manager and administration staff. The ground floor would be used for a dining room, living room, kitchen and shower room. The first floor would be used for a relaxation room, a sensory room, and IT room and a further kitchen. The loft area may be used in the future for a staff room and respite room.

The front entrance into the property at No. 1067 is via the existing stone steps, but full access would be made available by a new ramp (gradient 1:20) that would be located to the rear of the property. The ground and first floors would be fully accessible as a new lift has been installed to transport people between these floors. The double garage that is to be converted to a one to one care unit would be fully accessible.

7 no. car parking spaces are proposed on the site (which would be shared between Nos. 1067 and 1069), one of which would be a fully accessible space. This car parking area would be accessed via an existing vehicular access off Cumberland Road that would have a new automatic gate. A new automatic sliding gate for vehicular access has also been installed in the rear boundary wall of the property at No. 1069, directly adjacent to the one to one care unit.

## Consultations

Neighbours - Occupiers of properties surrounding the application site were notified of the proposal. A number of representations have been received. These include 4 letters of objection (one of which has a petition signed by 5 local residents) and 4 letters of support. The main issues of concern raised relate to:

1. Fears that the new use will reduce the residential status of the road
2. Due to the proposed hours of operation, fears that the use will disturb local residents due to noise and associated activity and increased litter from staff/visitors, even on the weekends
3. Concerns about the potential high levels of traffic coming and going and its subsequent impact on the parking problems already experienced on surrounding streets
4. Fears that pedestrian and highway safety could be compromised
5. The gates installed at the rear of the premises would need to be accessed via a private road owned by the adjacent property so therefore no right of access is permissible without the owner's consent.
6. The proposal represents overdevelopment in a residential area
7. The loss of privacy that could be experienced by people using the raised access ramp to enter the building
8. Light pollution for a security light that has been installed at the rear of the premises

Adult Social Care - We would support this as there is a shortage of day support services within the City to meet the needs of learning disabled adults who live with their families, particularly those who have physical disabilities and need adapted accommodation. There is a growing number of families who seek Individual Budgets to pay for their own support services rather than a council run service from traditional day centres and this new development has considered this kind of demand. We understand that the company has consulted with local parent carers and incorporated their views into the project.
Engineering Services - No objections but stated that a condition requiring details of how the automatic vehicular access gate from Cumberland Road would be operated should be attached to any approval granted

Environmental Health - Stated that a condition relating to refuse storage and collection should be applied to any approval granted

Contaminated Land Section - Stated that a condition relating to the investigation and any necessary remediation of any contaminated land at the site should be applied to any approval granted

North Manchester Regeneration Team - Noted that the proposed use is to cater for day care of adults with learning difficulties and that it is supported by the City Council's adult care division as it will help to fill a gap in provision for such clients within the City. Also noted that the proposal involves a high quality refurbishment of large and prominent Edwardian villas which will create a major improvement in the street scene on this main radial route as at least one of the properties has been vacant and very neglected for several years. They support the proposal as it is believed that these factors outweigh any marginally adverse impact which the proposal may be perceived to have on the surrounding residential area.

Environment Agency - The application does not require a formal response from the EA

Greater Manchester Police - No objections, but stated that the proposed ramps, walls and bin store arrangements should not constitute an aid to climbing the boundaries or facilitate access to upper floor windows/roofs. Also stated that the laurel hedging along the frontage will need to be maintained at a level of 1000mm to allow natural surveillance of and from the highway.

## Issues

The Regional Spatial Strategy (RSS) for North West England
The RSS was adopted in September 2008 and replaces the previously published Regional Planning Guidance. The RSS provides a framework for development and investment in the region over the next fifteen to twenty years. For the reasons outlined bellow the proposed would be consistent with RSS policies DP2, DP4 and DP5.

The Unitary Development Plan for Manchester
For the reasons outlined below, the proposed adult day car centre and one to one care unit are considered to be acceptable as they would be consistent with UDP policies H2.2 'Housing', I3.1 'Employment and Economic Development', E3.5 'Environmental Improvement and Protection', T2.4 'Transport' and DC9.1 'New Commercial and Industrial Development - Access for Disabled People'.

The proposed use
In support of the application the applicants have stated that the day care centre would be one of the first day service provisions in Manchester where people are naturally integrated into the surrounding community due to the site's location that is a short distance to shops and other local amenities. Boggart Hole Clough lies opposite the site so offers opportunities to improve client's health and well being through daily walks and they would also have access to the 'Wheels for All' sessions at the park that take place each month (where specially adapted

bikes are available). Colleges are also located close by, as is a leisure centre. The applicants have stated that the service will provide employment to local people whilst at the same time enabling parents/carers to stay in employment or prevent carer breakdown. They have also stated that high on the Government's agenda is community-based provision for people with learning disabilities that focus on integration not segregation. The Government's White Paper 'Valuing People' also refers to services being placed in communities and not, as many are now, hidden away in isolated areas. Also, the Government is promoting more preventative services that focus on enabling people to retain their independence and remain loving at home. The use proposed at 1067-1069 Rochdale Road would provide such a service.

Within Manchester there are 3 council run day centres. From each of these operates a small satellite service catering for a smaller group of people. Presently, demand for a day service exceeds supply as all the services are running at full capacity with marginal scope to offer a place unless a person leaves or dies. Across all services there is very little ground floor accommodation for wheel chair users, placing additional stress on carers whose cared for may have to go on a waiting list or accept a reduced service. The buildings for each of these services are not modern and have a very institutionalised feel to them. The day care centre proposed at Nos. 1067/1069 Rochdale Road would be different to these existing services as it would be set in a residential style building within a residential area and would be fully accessible.

Adult Social Care are in full support of the proposal as they have stated that there is a shortage of day support services within the City to meet the needs of learning disabled adults who live with their families, particularly those who have physical disabilities and need adapted accommodation. There are a growing number of families who seek Individual Budgets to pay for their own support services rather than a council run service from traditional day centres and this new development has considered this kind of demand.

On balance, and for the reasons highlighted above, it is considered that the proposed day care centre is an acceptable use in principle at this location.

Number of clients and staff

The applicant has stated that at full capacity the centre could accommodate 50 people, but it would take time to build up this many clients as funding for individuals would need to be agreed by the Council at a time of finite resources. However it should be stressed that the intention of the service is to provide community based activities such as groups attending college or a work based placements and therefore groups of people who will be supported by the centre will be dispersed in various locations. It would only be in the event of an emergency or due to unforeseen circumstances that these groups of people would return to the base of No. 1067. It is anticipated that 20 staff in total would be employed for both sites at 1067 and 1069 Rochdale Road. This is considered to be acceptable.

Visual amenity

The applicants have stated that over the last few months, 1067 Rochdale Road has been restored and refurbished to a high specification and the external architectural character and features have been preserved. Prior to this the

property had been vacant and in an almost derelict state for several years. The applicants acknowledge that the new use would be a commercial business, however they say they have gone to great lengths to preserve the building so it retains a residential feel. They believe the property blends in with its surroundings and does not have any fixtures and fittings that would draw attention to it.

It is considered that the proposal is acceptable as it would not adversely affect visual amenity in the area. The only external alterations that have taken place/are proposed are the new vehicular access gates and the new ramp (which is internal to the site and to the rear, so is therefore not visible from the highway). On balance it is considered that the external works are acceptable in terns of their impact on visual amenity within the area.

Hours of operation

The day care centre would offer an extended hours service from 07.30 to 21.30 to enable parents who care for their children to go to work during the evenings and weekends if required. The applicants have stated that they anticipate very few people will arrive at 07.30 and similarly few will leave late in the evening, but these hours are proposed to provide a service to the minority of people/families who essentially need it. They have also stated that people who feel the evening service will meet their needs will be supported to engage in external activities in the local community, e.g. bowling, cinema, so they will therefore not always be present at the building. For many people, the centre will act merely as a base from which to engage in a range of activities. It is also anticipated that a proportion of people will enrol on a college course and are likely to attend for whole days whilst being supported by staff from the centre. For these reasons, the hours of operation proposed are considered to be acceptable.

Residential amenity

The applicant has stated that users of the centre will be no more noisier than other people and some will have limited or no oral communication skills. Users will be supported by skilled staff at all times and they will ensure than whilst using the service the clients behave in an appropriate manner. They have also stated that users will not be wandering the streets unsupervised and there are several litterbins at the rear of the property. In terms of the new access ramp, people will so infrequently be using this ramp (when measured against the 14 hour day that the centre would operate) that is not considered that it would result in a harmful loss of privacy for surrounding residential occupiers. Similarly, the security light that has been installed at the rear of the premises is needed to allow a safe route for people leaving the building through the rear exit, however it should be noted that it is considered that the intermittent light would not cause any harmful impact in the area. For these reasons, it is considered that the proposal is acceptable as it would not adversely affect residential amenity within the area.

Traffic impact

To the rear of the site, a car park has been made available to house a minibus and several cars, and visitor parking would be available. The applicant has stated that staff are anticipated to be from the local area so will not drive to work, but for those that choose to, they will be advised to park away from adjacent roads and this will be part of their employment contract. Very few

people using the centre will have access to any other form of transport than the minibus, and clients will be picked up from home and dropped off via the minibus that will always have priority parking. Therefore the applicants feel that the centre would not cause any further traffic congestion in the area. The Head of Engineering also has no objections to the proposal from a traffic generation point of view, and a condition relating to the formulation of a green travel plan for the development will be attached to the approval. For these reasons, the proposal is considered to be acceptable in terms of its traffic impact.

Civil issues

A new automatic sliding gate has been installed at the rear of 1069 Rochdale Road, adjacent to the new one to one care unit. The owner of No. 1069 pays ground rent for the stretch of private road leading to this gate that is evidenced in the deeds relating to the property. Therefore the owners have equal rights to use this access road, however it should be noted that the gates would only be used in the event of a fire should the other vehicular access gate out onto Cumberland Road be obstructed.

Security

In response to the comments made by Greater Manchester Police, the applicant has stated that the ramp situated to the rear of No. 1067 is sited several metres away from the nearest windows i.e. the cellar and above ground floor. The distance between would make entry into the property difficult via this route. Additionally, all cellar windows and doors have been fitted with metal bars and padlocks. CCTV cameras, which will be installed at the property shortly, will closely monitor the walls around the property. All bins will be housed in a separate lockable storage unit. They have also stated that the laurels situated at the front of the property will be maintained to provide privacy for people using the service and for natural surveillance purposes. A sophisticated security system has been installed in 1067, which will be further enhanced by installation of the CCTV cameras shortly. The security of and around 1067 has been carefully considered by Vestacare, demonstrated through the installation of specialist surveillance equipment to ensure safety for both staff and people using the service and prevention of intruders to the property.

**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 in the light of policies DP2, DP4 and DP5 of the Regional Spatial Strategy and policies H2.2, I3.1, E3.5, T2.4, T2.6 and DC9.1 of the Unitary Development Plan on the basis that the proposal would not have an adverse impact on visual or residential amenity within the area, would have off-road car parking spaces, and would be fully accessible

**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:

The site location plan, stamped as received by the Local Planning Authority on 25 June 2008
Drawing 2803/01 Rev A, stamped as received by the Local Planning Authority on 15 July 2008
Drawing 2803/03 Rev B, excluding the sliding gate shown to Cumberland Road, stamped as received by the Local Planning Authority on 25 July 2008

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.

3) 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 T2.4 and T2.6 of the Unitary Development Plan for the City of Manchester.

4) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment the Desk Study) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

The Desk Study shall be prepared by a suitably qualified person whose competence to carry out the Desk Study has been approved in writing by the City Council as local planning authority (an "Expert").

In the event of the Preliminary Risk Assessment Desk Study identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal Scheme) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal Scheme shall be carried out, by an Expert before development commences and the Expert shall prepare a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy Site Investigation Report.and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, an Expert has prepared a report outlining what measures, if any, are required to remediate the land (the Revised Remediation StrategySite Investigation Report) which shall be is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation StrategySite Investigation Report, which shall take precedence over any Remediation Strategy Site Investigation Report or earlier Revised Remediation Strategy Investigation Report.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to H2.2 of the Unitary Development Plan for the City of Manchester.

5) Details of a Travel Plan with the objective of encouraging sustainable modes of transport for future staff and users of the development, and including particulars of its implementation and monitoring of effectiveness and how measures to improve effectiveness shall be implemented shall be submitted to and approved in writing by the City Council as local planning authority by first commencement of the use. For so long as the use is in operation the local planning authority shall be provided with such information as specified in the Travel Plan and all measures that are identified that can improve the effectiveness of the Travel Plan shall be adopted and implemented within a timescale agreed in writing by the local planning authority.

Reason - In order to promote sustainable modes of transportation, in accordance with the provisions contained within PPS13

6) Notwithstanding the details shown on the approved drawings, before the use of the adult day care centre (and therefore the car park gates on Cumberland Road) first commences, full details (including scaled drawings) of the design, appearance and proposed operation of the gates must be submitted to and approved in writing by the City Council as Local Planning Authority

Reason - In the interest of visual amenity and highway safety, pursuant to UDP policy H2.2

7) 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 - To protect residential amenity, pursuant to UDP policy H2.2

8) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

07.30 to 21.30 Monday to Sunday

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

9) The laurel hedging along the frontage of the application site on Rochdale Road must be maintained at a maximum level of 1000mm to allow natural surveillance of and from the highway, unless otherwise agreed by the City Council as Local Planning Authority.

Reason - To ensure a safe development, pursuant to UDP policy E3.5

10) If the security lighting at the property, when illuminated, causes undue glare or light spillage to the detriment of adjoining and nearby residential properties, baffles and/or cut-offs shall be installed on the units and adjustments made to the angle of the lighting units and the direction of illumination, and shall thereafter be retained in accordance with details which have received the prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to 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: 087035/FU/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:**

Adult Social Care
Engineering Services
Environmental Health
Contaminated Land Section
North Manchester Regeneration Team
Environment Agency
Greater Manchester Police
Boggart Hole Clough Centre, Charlestown Road, Manchester, M9 7DF
888 Rochdale Road, Manchester, M9 8AH
890 Rochdale Road, Manchester, M9 8AH
1067 Rochdale Road, Manchester, M9 8AJ
892 Rochdale Road, Manchester, M9 8AH
4 Cumberland Road, Manchester, M9 8BH
6 Cumberland Road, Manchester, M9 8BH
1069 Rochdale Road, Manchester, M9 8AJ
1071 Rochdale Road, Manchester, M9 8AJ
9 Cambridge Road, Manchester, M9 8BB
7 Cambridge Road, Manchester, M9 8BB
5a, Cambridge Road, Manchester, M9 8BB
5 Cambridge Road, Manchester, M9 8BB
3 Cambridge Road, Manchester, M9 8BB
7 Cumberland Road, Manchester, M9 8BH
5 Cumberland Road, Manchester, M9 8BH
Michael Kennedy Funeral Service, 1065 Rochdale Road, Manchester, M9 8AJ
878 Rochdale Road, Manchester, M9 8AH
880 Rochdale Road, Manchester, M9 8AH
882 Rochdale Road, Manchester, M9 8AH
884 Rochdale Road, Manchester, M9 8AH
886 Rochdale Road, Manchester, M9 8AH
17 Cumberland Road, Manchester, M9 8BH
15 Cumberland Road, Manchester, M9 8BH
11a, Cumberland Road, Manchester, M9 8BH
11 Cumberland Road, Manchester, M9 8BH
9 Cumberland Road, Manchester, M9 8BH

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

Adult Social Care
Engineering Services
Environmental Health
Contaminated Land Section
North Manchester Regeneration Team
Environment Agency
Greater Manchester Police
Graham Walsh, 7 Cumberland Road, Blackley, Manchester

Graham Walsh, 7 Cumberland Road, Blackley, Manchester
Joan Power, 5 Cumberland Road, Blackley, Manchester

**Relevant Contact Officer** : Carolyn Parry
**Telephone number** : 0161 234 4022
**Email** : c.parry@manchester.gov.uk