The Planning Inspectorate

Appeal Decision

Hearing held on 10 July 2012
Site visit made on 10 July 2012

by Peter Willows BA DipUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 September 2012

Appeal Ref: APP/B4215/A/12/2172986
17, 19, 21 Egerton Crescent, Withington, Manchester M20 4PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Intact Projects against the decision of Manchester City Council.
- The application Ref 097996/FO/2011/S1, dated 21 September 2011, was refused by notice dated 21 February 2012.
- The development proposed is the change of use of 17, 19 and 21 Egerton Crescent from 8 self-contained flats to supported housing consisting of a house where care is provided including an office, drop-in centre and two single occupancy bedrooms at No 17, a self contained flat in the basement of No 17 and seven self contained flats within Nos 19 and 21.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant seeks to modify the proposal by omitting the use of the basement as living accommodation as shown in the submitted drawing. The Council advised at the hearing that it had no objection to this change to the scheme and I cannot see that the interests of any party would be prejudiced by it. Were I minded to allow the appeal, the change could be secured with a planning condition. Accordingly, I have considered the proposal in this revised form, which results in 3 fewer self-contained flats within the scheme. Although the appeal proposal has already been implemented, the basement was not occupied at the time of my site visit.

Main Issues

3. The amendment to the scheme outlined above entirely addresses the security concerns expressed in Reason 3 of the Council's decision. I consider that the main issues relating to the amended proposal are:

   - the effect of the development on the living conditions of nearby residents;
   - whether the development results in an over-concentration of special needs and supported housing within the area and, if so, whether this causes material harm; and
   - whether any need for the development outweighs any harm arising from it.

Planning Policy

4. When the Council made its decision the development plan included the North West of England Regional Spatial Strategy to 2021 (the RSS) and the adopted Manchester Unitary Development Plan (UDP). However, a Core Strategy Development Plan Document has now been adopted. While this has replaced some UDP policies, others continue to be 'saved'. I consider that the most relevant development plan policies are now Core Strategy policies DM1 (Development Management) and H10 (Special Needs and Supported Housing) and UDP policy DC2.1 (Class C2 development).

5. Additionally, the Council refers to its Supplementary Planning Guidance (SPG) *Special Needs and Supported Housing*. This was formally incorporated into the UDP amongst other alterations in 2001 and remains a part of the development plan.

6. Although the RSS remains part of the development plan for the time being, its policies are strategic in nature and of less direct relevance to the issues before me than those policies I have highlighted.

7. I have taken account of the recently published National Planning Policy Framework, but nothing within it diminishes the weight I attach to those policies I have highlighted.

Reasons

Living conditions

8. The appeal property is within a short terrace, close to the commercial centre of Withington. To one side is a post office while to the other it adjoins 23 Egerton Crescent, a property which, I understand, is let to students. A dwelling, 13 Parsonage Road, lies immediately to the rear of the appeal site. The appeal property has 4 levels of accommodation (including the basement) and has a yard to the rear.

9. The appeal scheme has seen the premises used to provide accommodation for young men and women, focusing on 16-18 year olds. Those placed with the project can be from foster placements, children's homes, might be homeless or in and out of care. They are deemed not to be able to care for themselves, and are categorised as low to medium risk. Support for and supervision of the clients is provided. There is an office on site and a staff presence 24 hours a day. The premises are monitored by a comprehensive CCTV system.

10. The lawful use of the premises as self-contained flats is established by a Certificate of Lawful Use or Development, issued in 2006. A plan attached to the Certificate shows the property laid out as eight 1 bedroom flats. In its modified form, the proposal does not substantially change the density at which the premises are occupied.

11. Nevertheless, the evidence before me suggests that the change in terms of its effect on neighbouring occupiers has been very marked indeed. The causes of this appear to include the concentration of young people within the buildings, the challenging behaviour some of them appear to be prone to display, the regular turnover of residents and the visits they attract to the property and the area from their acquaintances. Whatever the precise causes, the outcomes have been documented in some detail by a near neighbour, and appear to have

included shouting and swearing, drugs dealing, thefts, rubbish thrown into neighbouring gardens, residents jumping into a neighbouring garden, spitting and similar antisocial behaviour. These claims were supported by other nearby residents at the hearing.

12. There is also corroboration of much of this evidence in a consultation response from the Police, which indicates that they were called to the site 96 times during the period from March 2011 to February 2012. While many of the visits related to relatively innocuous issues, others concerned matters including criminal damage, drug-based activities, fighting with weapons by residents and antisocial behaviour outside the premises. Taken together, the evidence before me regarding the behaviour arising from the use is persuasive and leaves me in little doubt that it has seriously compromised the living conditions of some nearby residents. It appears to me that the type and frequency of incidents that have occurred have caused far greater disturbance and upset than might be expected if the property were used as a more general form of accommodation such as flats.

13. I am particularly concerned at the effect on those living immediately adjacent to the property and the potential for difficulties arising from the amenity/parking area to the rear of the property. This area is bounded by low walls, supplemented by fencing above in places. However, I found I was able to easily see over the wall into the garden of the adjacent 23 Egerton Crescent. While the boundary treatment to 13 Parsonage Road to the rear is higher, a seat has been formed on this boundary, and I was able to see in the adjoining garden by standing upon it, while walking on the raised planting areas to the side would give more elevated views. I have no reason to doubt the evidence of the occupant of that dwelling that this is what residents of the appeal property have done.

14. The result is that there is only limited physical separation between the properties and neighbouring occupiers are likely to be often very aware of activity at the appeal property, particularly activity in the rear yard. I can readily appreciate that this has the potential to seriously compromise use of the gardens of neighbouring property, particularly by children.

15. I also consider that living conditions inside 13 Parsonage Road are likely to be compromised to a significant degree. I viewed the appeal site from this property and saw that windows to a bedroom, study and the kitchen all face the appeal site. Consequently, noise from the appeal site may well be intrusive when the windows are open. Additionally, since a number of windows of the appeal buildings face towards this property, noise may be evident even when there are no residents in the rear amenity area.

16. It may well be that improved management and supervision at the unit has resulted in some improvement in recent months and reduced police involvement. I understand also that clients are required to sign a behaviour agreement. Nevertheless, the evidence from local residents at the hearing indicates that significant incidents continue to occur at the property. While not all nearby residents have objected to the proposal and there is significant local support for it as well, that does not reduce the weight I attach to the problems that have been highlighted.

17. For these reasons I conclude that the development seriously harms the living conditions of nearby residents. This gives rise to conflict with the amenity aims

within Core Strategy policy DM1, UDP policy DC2.1 and the SPG. My finding on this issue is sufficient reason on its own to lead to the dismissal of the appeal.

Level of provision of special needs and supported housing

18. The Council argues that there is an over-concentration of special needs and supported housing within the Withington ward, where the appeal site is located. It has a long-established policy of trying to ensure an even spread of such accommodation throughout the city, supported by its development plan policies and SPG. I accept that there are justifiable reasons for this, including securing stable neighbourhoods and spreading the demand on local services and economic impacts.

19. The Council's stance regarding the appeal site is based upon data referred to in its SPG, which indicates that the site is within an area of above average special needs and supported housing provision. Taking account also of the relative social and economic sustainability of the area, the SPG places the ward within 'Category B'. Relevant proposals in such areas are less likely to be supported than those in areas where there is below average provision. Nevertheless, the SPG advises that proposals for special needs and supported housing within Category B areas will be given careful consideration in the light of local circumstances, but could still be supported where there is clear evidence of unmet need.

20. The SPG was published in 1998 and the data that led to the Category B classification must be regarded as out of date. To address this, the Council has provided updated information which, it says, confirms that the ward contains 293 special needs and supported 'housing units' (bedspaces), confirming its category B status. However, unlike the data in the SPG, it does not relate this information to the population of the ward. Accordingly, it cannot be regarded as a simple update of the SPG data.

21. Moreover, the information before me does not show how the level of provision within this ward compares with the city as a whole. Consequently, I cannot be sure that provision within the ward is, in fact, especially high, either in relation to the population of the ward or in relation to provision across the city. Accordingly I am unable to conclude on the information before me that the aims of the SPG, UDP policy DC 2.1 or Core Strategy policy H10 are breached as a result of any over-concentration of similar uses within the area.

Need

22. The accommodation has clearly been occupied during its period of operation. Moreover, it is evident that the Council has itself referred people to the project. While it says that it has now stopped doing this, I heard that there had been some recent referrals when alternative accommodation was not available.

23. Yet the information before me is mainly anecdotal and does not clearly quantify an unmet demand for such accommodation. While I understand that there is no other accommodation specifically aimed at 16-18 year old males and females within the city, that does not show that the needs of those people could not be met in other forms of accommodation.

24. The appellant argues that the Council is contractually bound to the project due to a tender that was awarded to the company under the *North-West Care Leaver and Young Homeless Support and Accommodation Framework*. Yet the

framework is concerned with provision across a wide geographical area, and does not show that there is an unmet local need. While it may sometimes be desirable for clients to live well away from their previous home, that does not indicate any need for accommodation in this specific area

25. I have no reason to doubt the evidence before me that the project provides a service that is of great benefit to its clients. I formed the clear impression at the hearing that the professionals involved in running the project have the welfare of their clients very much at heart. However, the evidence before me does not show that similar provision could not be made in other, more suitable, accommodation.

26. I conclude that there is some, limited evidence of a need for the accommodation and that it provides benefits for its clients. However, the need is not clearly quantified and is not a sufficient reason to set aside the very significant harm I have found in respect of the living conditions of neighbours to the property.

Other matters

27. I have considered carefully the planning conditions suggested, but conclude that they would not adequately address my concerns regarding the harmful effects of the development.

28. The site lies within the Withington Conservation Area. However, I have no evidence of any significant external works as a part of the scheme and conclude that the development preserves the character and appearance of the Conservation Area.

29. I acknowledge the sustainability of the area and the good access to local services and public transport, but that does not alter my view on the main issues. I have taken account of the significant local support for the project from local individuals, agencies and businesses, including from the neighbouring post office, but that does not diminish the weight I attach to the difficulties that are evident.

Conclusion

30. While I accept that the project has clear benefits, these do not outweigh the very significant harm I have found. Accordingly I conclude that the appeal should be dismissed.

Peter Willows

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Gordon Kenyon MRTPI	Kenyon Planning
Russell Booth-Atkins	Kenyon Planning
Amanda Singh	Manager – Intact Project
Hugh Ellison	Director – Intact Project

FOR THE LOCAL PLANNING AUTHORITY:

David Lawless	Senior Planner – Manchester City Council
Robert Tyrer	Assistant Planning Officer – Manchester City Council
Hazel Summers	Head of Commissioning – Directorate for Adults, Health and Wellbeing

INTERESTED PERSONS:

Dr David Springate	Local resident
Linda Jenkins	Local resident
Mrs O'Shea	Local resident
Cllr Chris Paul	Ward councillor

DOCUMENTS SUBMITTED AT AND AFTER THE HEARING

1 Manchester City Council - Hearing notification letter
2 Manchester City Council - Report to Neighbourhoods and Scrutiny Committee – 19 June 2012
3 Manchester City Council - Minutes of Neighbourhoods and Scrutiny Committee – 19 June 2012
4 Manchester City Council Executive – Minutes of meeting held on 27 June 2012
5 Manchester City Council – Map showing location of petition signatories
6 Manchester City Council – email dated 17 July 2012 confirming adoption of the Core Strategy