

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141879/JO/2025

Date registered valid: 29 January 2025

Proposal: Variation of condition 3 (occupancy level) attached to planning permission referenced 128650/FO/2020 to allow increased occupancy for up to 9 adults

Address: 1524 Ashton Old Road, Manchester, M11 1HN

Ward(s): Clayton & Openshaw Ward

Applicant: Mr M Powner, Keys Group

Agent (if any): Mr Jason Asbury, Pharaoh Designs (West Midlands Ltd)

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 22 April 2025

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Standard consultations:

Printed: 26 February 2025 Expired: 19 March 2025

Neighbour notifications

Printed: 30 January 2025 Expired: 20 February 2025

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

This application relates to a two storey detached building which is used as a Class C2 care home, in accordance with the following planning permission:

128650/FO/2020 - Retrospective change of use of premises from a mixed Class D1/C2 use to Class C2 care home for 7 young people - Approved 12 March 2012.

The premises had previously also allowed some care of children, who attended on a daily basis, but the above permission reverted the premises back to a solely Class C2 use, providing care for 7 young people, and it was indicated that up to 10-12 staff would be on site during the daytime, with 2 staff sleeping overnight.

This permission was subject to conditions, which included the following:

3. The premises shall be occupied by a maximum of 7 children and all necessary medical, support and ancillary staff needed in conjunction with the use of the premises as a residential care home for children (Class C2).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the building shall be used for a residential care home (Class C2) only. No part of the building shall be used for any other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 and the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England)

Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

It is now sought to vary condition 3, of the above planning permission, to allow increased occupancy for up to 9 adults.

The applicant has indicated that the previous use, as a childrens care home, has ceased and it is now intended to use the premises as a Class C2 care home, for adults with mental health issues. It is stated that it would still be the same operator (Keys Group), but under the supervision of its Adult care division.

It is indicated that there would be 4-8 staff in the daytime, with 3 staff overnight, although these would not be sleeping at the premises.

There is an area of hardstanding, at the front and side of the premises, and, at the time of the previous permission, it was indicated that this can accommodate 7 vehicles, and that they are able to use the car park in the church opposite, if necessary. It is indicated that no changes, to this arrangement, are proposed as part of the current application.

No external changes are proposed.

Consultations & Notification Responses

Local residents/adjoining occupiers - 3 objections have been received for the following reasons:

- The area already houses many bail hostels and HMO'S and sees on a regular basis drug taking/dealing, asb, crimes committed along with other area issues.
- Residents have worked to create a safer environment for their community, residents and school and they do not want to lose this feeling of safety by what is proposed on their doorstep.
- People living with serious mental health difficulties, should be taken care of in more suitable premises, rather than within close distance of 4 schools, playgrounds and an area of many hostels and hmo's.
- It will increase the level of activity within the grounds and area as a whole. Residents have had issues over the years with the various residents, issues with noise levels not just from the residents themselves but from the staff also. An increase and change from children to adult is just going to escalate this.
- The grounds of the property do not hold many cars and staff/visitors will inevitably park on the surrounding streets, which are already lacking parking spaces especially when the nearby church hold activities.
- This property overlooks surrounding gardens and there are concerns about this property being used as a Mental Health facility for 9 adults.
- Higher Openshaw had become a dumping ground for HMO's, shared housing, children's homes, bail hostels, properties for asylum seekers, resident in the so-called guest houses.

Highway Services - Makes the following comments:

Highways recommends continual monitoring and management of parking demands. All residents, staff and visitors should be made aware of the sustainable travel options.

Secure and sheltered cycle parking provision should be made within the curtilage of the site.

Strategic Area and Citywide Support Manager - They would have no objection to the granting of the above variation but would just comment that additional waste & recycling containers may be required for the additional occupancy. However as these would be provided by MCC, and there

appears to be sufficient external space for any necessary additional bins, this is not considered to be a concern.

Supported Housing Monitoring Group - Have reservations about the location of the proposed residential care development due to the existing provision in the immediate locality. It is opposite a number of B&B's, on Gransmoor Avenue, and is also very close to a NACRO offenders hostel on Rosina Street.

Greater Manchester Police - No comments received.

Issues

National Planning Policy Framework (December 2024) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

It states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;
- b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development

process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants. Communities, local planning authorities and other interests throughout the process (paragraph 131).

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy H10 relates to housing for people with additional support needs. It states that proposals for accommodation for people with additional support needs will be supported where:

- There is not a high concentration of similar uses in the area already.
- Where it will contribute to the vitality and viability of the neighbourhood.
- Where there would not be a disproportionate stress on local infrastructure such as health facilities.

Policy EN19 relates to waste and states that the Council will require all developers to submit a waste management plan to demonstrate how both construction and demolition waste will be minimised and recycled on site wherever possible and how the sustainable waste management needs of the end user will be met.

Policy T2 states that outside the City Centre all new development should provide appropriate car parking facilities, taking account of the guidance in Appendix B (of the Core Strategy). In all parts of the City proposals should have regard to the need for disabled and cycle parking, in line with appendix B (this indicates maximum car parking standards for various uses).

Notwithstanding the above, Policy T2 requires that consideration is given to the particular circumstances of each proposal to determine the appropriate levels of car parking that may be required. Policy T2 requires the provision of proportionate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed

guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Saved policy E3.3 relates to sites along radial routes, which includes Ashton New Road, and seeks to ensure that all new development, along these routes, is of the highest quality.

Saved policy DC2 relates to Class C2 rest homes and nursing homes

DC2.1 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;
- 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.

DC2a.1 states 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.

DC2b.1 states that, in deciding whether or not to grant planning permission for the kinds of housing accommodation described in the above proposed strategic city-wide policy the Council, in consultation with other competent agencies, will from time to time assess whether or not localised parts of the City have already reached their effective capacity to accommodate further special housing needs, in the terms set out above.

In addition to the social and economic criteria set out above, the Council will only grant planning permission for special needs housing proposals where it can be demonstrated that the proposals will not have an adverse impact on the character of the street or the locality in respect of:

- (i) displays of signs and notices;
- (ii) additional car parking space involving the loss of mature trees and landscaping, especially in front gardens;
- (iii) design of vehicular cross-overs to parking spaces in front gardens;
- (iv) provision of external fire escapes and lift shafts;
- (v) positioning of paladin bins;
- (vi) construction of links between what would otherwise be separate dwelling houses;
- (vii) additional comings and goings from officials and professional visitors;
- (viii) more intensive use of upper floors, which become main living accommodation. This can reduce privacy to adjoining gardens and lead to noise transmission problems through party walls; and
- (ix) the quality and maintenance of external areas.

DC2.2 states that there will be a general presumption in favour of Class C2 uses within residential areas, subject to other relevant policies of the Plan.

DC2.3 states that, notwithstanding policy DC2.2, the Council will require any development in this category to:

- a. meet the Council's current approved accommodation standards for developments of this kind;
- b. provide usable external amenity space.

Saved policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources, which are effectively outside planning control.

Places for Everyone - The approved Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for 9 of the 10 boroughs which make up Greater Manchester.

The Plan identifies the essential aspect of the efficient and effective use of land with the preference to be given to making as much use as possible of suitable previously developed brownfield land and vacant buildings when meeting development needs.

Relevant policies of PfE in this instance are:

JP-S1: Sustainable development

JP-C8: Transport Requirements of New Development

JP-P1: Sustainable Places

JP-P6 Health

The Special Needs and Supported Housing Policy (1998) and Supplementary Planning Guidance 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 Council will seek to avoid an over-concentration of such provision in any one area.

Principle of use - The principle of a Class C2 use, at the property, has been established by the previous permission (128650/FO/2020). At the time that application was considered, there were concerns about the proposal and the number of individuals that could be supported and it was originally felt that, if the use could be supported, 5 children was the maximum that the development could accommodate. Discussions were held, with the applicant, and, based on the specifics of the use proposed at that time, including how the site would operate the client group it was intending to serve and how the premises would be staffed, a facility for 7 children was allowed. Whilst the proposed change would not alter the allowed C2 use of the premises, regard needs to be given to the change in the client group being supported, and the increase in the number of individuals that would be supported on site.

Over proliferation and Impact to the character of the area - The overarching policy and guidance relating to supported living provision is contained within saved policy DC2.1 of the Unitary Development Plan, policy H10 of the Manchester Core Strategy and Supplementary Planning Guidance contained within The Special Needs and Supported Housing Policy (1998).

A principal thread running these documents is the need to seek to avoid an over-concentration of such provision in any one area and to ensure a more even spread of 'special need' accommodation within local areas and across the city as a whole.

In assessing the need for the type of accommodation proposed, Supported Needs Monitoring Group consider whether a proposed site meets strategic commissioning aims and principles and whether it is in a suitable location. The consultation response from the SNMG indicates that there is already a significant level of adult care provision, in the surrounding area, with numerous B&B establishments, for vulnerable adults, and an ex-offenders hostel located in the immediate vicinity of the site, and it is considered that the addition of a further home, providing care for vulnerable adults, would further impact the character of the area.

On the basis of the lack of support provided by SNMG and the information on the nature and location of similar accommodation situated locally, it is believed that the introduction of the proposed use would lead to an over concentration, and clustering, of such uses in the immediate area, which in turn would adversely effect the character of the area, upsetting the balance of uses, within a key residential neighbourhood, as part of creating sustainable, cohesive neighbourhoods. As such the proposed development is considered to be contrary to saved policy DC2.1 of the Manchester Unitary Development Plan, the provisions of the Special Needs and Supported Housing Policy which is Supplementary Planning Guidance forming part of the Development Plan and policies DM1, SP1 & H10 of the Manchester Core Strategy.

Intensification of use - Should this change be granted, the capacity of the site would be increased from 7 children to 9 adults. At the time of the original permission, it was originally felt that 5 children was the maximum that the development could accommodate, but an increase to 7 was allowed, based on the specifics of the use proposed at that time. This included members of staff who would sleep at the premises, although it has been indicated that these would no longer be required, therefore allowing additional bedrooms to be created for the individuals in need of support.

Comings and goings, and general activity, associated with adult occupation, compared to occupation by children, in itself, would be expected to increase on site, even if no increase in numbers were sought. It is furthermore felt that increasing occupation to 9 adults would add to this level of activity, creating an over intensive use of the site, with associated activity and comings and goings that would have a detrimental impact upon surrounding occupiers, contrary to policy DM1 of the Core Strategy and saved policy DC26 in the Unitary Development Plan for the City of Manchester.

Other Legislative Requirements Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 a right to a fair hearing and to this end the local planning authority 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 Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing 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. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed development would result in over concentration of this particular type of care within this area of the city. It is considered that further provision would lead to clustering of such accommodation in this part of the city, which would be to the detriment of the character of this immediate area and the balance of uses as part of creating sustainable neighbourhoods. As such the proposed development is contrary to saved policy DC2 of the Manchester Unitary Development Plan, the provisions of the Special Needs and Supported Housing Policy which is Supplementary Planning Guidance forming part of the Development Plan and policies DM1, SP1 and H10 of the Manchester Core Strategy.

2) Due to the potential for increased occupancy of the site, the proposal would have a detrimental impact upon the current levels of residential amenity enjoyed by the occupants of neighbouring residential accommodation, by reason of the increased noise and movements associated with the comings and goings of residents to the premises, contrary to policies DM1 and DC2.1 of the Core Strategy and saved policy DC26 in the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

MCC Supported Housing Monitoring Group
Highway Services
Environmental Health
Greater Manchester Police

19, Albany Avenue, Manchester, M11 1HQ
23 Albany Avenue, Manchester, M11 1HQ
1536 Ashton Old Road, Manchester, M11 1HN
1538 Ashton Old Road, Manchester, M11 1HN
21 Albany Avenue, Manchester, M11 1HQ
19 Albany Avenue, Manchester, M11 1HQ
17 Albany Avenue, Manchester, M11 1HQ
13 Albany Avenue, Manchester, M11 1HQ
11 Albany Avenue, Manchester, M11 1HQ
9 Albany Avenue, Manchester, M11 1HQ
1542 Ashton Old Road, Manchester, M11 1HN
St Annes Roman Catholic Church, Ashton Old Road, Manchester, M11 1GR
Flat 1, 1518 Ashton Old Road, Manchester, M11 1HN
29 Albany Avenue, Manchester, M11 1HQ
25 Albany Avenue, Manchester, M11 1HQ
1537 Ashton Old Road, Manchester, M11 1GR
1534 Ashton Old Road, Manchester, M11 1HN
1520 Ashton Old Road, Manchester, M11 1HN
3 Gransmoor Avenue, Manchester, M11 1HR
Flat 3, 1518 Ashton Old Road, Manchester, M11 1HN
Flat 2, 1518 Ashton Old Road, Manchester, M11 1HN
5 Gransmoor Avenue, Manchester, M11 1HR
4 Gransmoor Avenue, Manchester, M11 1HR
2 Gransmoor Avenue, Manchester, M11 1HR
1 Gransmoor Avenue, Manchester, M11 1HR
27 Albany Avenue, Manchester, M11 1HQ
15 Albany Avenue, Manchester, M11 1HQ
1540 Ashton Old Road, Manchester, M11 1HN
31 Albany Avenue, Manchester, M11 1HQ
1525 Ashton Old Road, Manchester, M11 1GR
1523 Ashton Old Road, Manchester, M11 1GR
1522 Ashton Old Road, Manchester, M11 1HN
1516 Ashton Old Road, Manchester, M11 1HN
21, Manchester, M11 1HQ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA