

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140802/FO/2024
Date registered valid: 16 August 2024
Proposal: Change of use from dwellinghouse (Class C3a) to a children's residential care home (Class C2)
Address: 70 Birch Lane, Manchester, M13 0WN
Ward(s): Rusholme Ward

Applicant: Aleem
Agent (if any): Mr Clement Dirawu
Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk
Recommendation: Refuse
Date of recommendation: 11 October 2024

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 20 September 2024

Standard consultations:

Printed: 17 September 2024 Expired: 8 October 2024

Neighbour notifications

Printed: 29 August 2024 Expired: 19 September 2024

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/area



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application property relates to a three storey mid-terraced residential (Use Class C3a) property in Rusholme.

Description of development

The proposal seeks consent for the Change of use from dwellinghouse (Class C3a) to a children's residential care home (Class C2). No external alterations are proposed.

Consultations & Notification Responses

Local responses

Two letters of representation were received from local residents raising the following concerns:

- Detrimental impact upon residential amenities (noise & disturbance)
- Proposal would alter the fabric of the area – intensification in low-density area
- Inadequate outdoor amenity space for future occupants
- Basement conversion will maximise risk of ground instability
- Habitable room in basement provides insufficient daylight, ventilation and amenity
- Loss of privacy to neighbouring occupants
- Inadequate parking provision
- Pollution and road safety concerns from Brich Lane

Consultee responses

Highway Services – No comments.

Environmental Health – No comments.

MCC Supported Housing Monitoring Group – Strongly object on the grounds of oversaturation of uses contrary to Policy H10 of the Core Strategy.

Relevant Planning History

At the application site –

ENF/12775/15 – Enforcement enquiry. Case Closed 24.07.2015.

History of negotiations

No negotiations were entered into with the agent, given that the proposal was considered unacceptable in principle, even in the event of significant revisions.

Local Planning Policies

Places for Everyone (2022-2039) – Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The PfE Plan and its policies are now a material planning consideration in the determination of planning applications. The PfE Plan and its policies must therefore be given full weight in the planning balance.

Manchester Core Strategy Development Plan Document (2012-2027) - The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have been superseded by the Places for Everyone Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Places for Everyone** policies for this application are as follows:

JP-S1 – Sustainable Development
JP-P1 – Sustainable Places

The relevant **Core Strategy** policies for this application are as follows:

DM 1 – Development Management
SP 1 – Spatial Principles (partially superseded by PfE)
H 10 – Housing for people with additional support needs
T 1 – Sustainable Transport (partially superseded by PfE)
T 2 – Accessible areas of opportunity and need
EN 19 – Waste

The relevant saved **UDP** policies for this application are:

DC26 – Development and Noise

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD

A relevant material consideration is also:

- Manchester Residential Quality Guidance March 2017 (Manchester's Emerging Space Standards)

National Planning Policy Framework

The NPPF (2023) sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors. The Local Planning Authority consider the following sections relevant to this proposal.

- Section 2 – Achieving sustainable development
- Section 8 – Promoting healthy and safe communities
- Section 12 – Achieving well-designed places

Issues

Principle of development:

Impact on visual amenity and the streetscene:

Impact on residential amenity:

Highways:

The proposed development would not interfere with the existing parking provision on street, as such is considered acceptable in this regard.

Other matters:

Conclusion:

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

Reasons for recommendation to refuse

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Supported Housing Monitoring Group

74 Birch Lane, Manchester, M13 0WN
61B Birch Lane, Manchester, M13 0WW
61A Birch Lane, Manchester, M13 0WW
59 Birch Lane, Manchester, M13 0WW
67 Birch Lane, Manchester, M13 0WW
66 Birch Lane, Manchester, M13 0WN
26 Allingham Street, Manchester, M13 0ZF
22 Allingham Street, Manchester, M13 0ZF
24 Allingham Street, Manchester, M13 0ZF
24 Holmfirth Street, Manchester, M13 0NS
65 Birch Lane, Manchester, M13 0WW
63 Birch Lane, Manchester, M13 0WW
76 Birch Lane, Manchester, M13 0WN
72 Birch Lane, Manchester, M13 0WN
68 Birch Lane, Manchester, M13 0WN
64 Birch Lane, Manchester, M13 0WN
62 Birch Lane, Manchester, M13 0WN

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