

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137251/FO/2023
Date registered valid: 23 June 2023
Proposal: Change of use of dwellinghouse (Class C3a) to provide short term supported living accommodation (Class C2)
Address: 38 Rathbourne Avenue, Manchester, M9 6PN
Ward(s): Higher Blackley Ward

Applicant: Ms S Koser, The Cherry Blosson Family
Agent (if any): Mr Mike Carr, MAT Design Ltd
Case officer: Janine Renshaw-Livesey
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Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 16 November 2023

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 13 July 2023

Standard consultations:

Printed: 29 June 2023 Expired: 20 July 2023

Neighbour notifications

Printed: 29 June 2023 Expired: 20 July 2023

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 Planning Application relates to 38 Rathbourne Avenue, Blackley. 38 Rathbourne Avenue is a semi-detached family dwellinghouse, located within a residential area off Rochdale Road.

Planning permission is sought for the change of use of dwellinghouse (Class C3a) to provide short term supported living accommodation (Class C2).

The Proposal

The proposal seeks consent to change a two-storey semi-detached family dwelling house into a supported housing use. Two bedrooms and one box room would house 3 mothers and their babies with shared bathroom facilities. The ground floor comprises of a staff office and lounge area. The property has amenity space to the front and rear and the layout plan indicates space for 3 cars.

The use would operate a 24-hour facility where care would be given for 3 mothers and their babies for a temporary period. Two support workers would be present at the site. Other visitors to the premises include health visitors, social workers, Ofsted representatives and cleaners.

There would be a maximum of 3 staff at any one time and 2-night staff.

Planning History

F11697 Extension at 1st floor level rear of dwellinghouse to form bedrooms was approved and is no longer extant.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and 25 individuals objected to the proposal. The issues raised are outlined below.

- Unacceptable disruption from a business use, impacting elderly residents within a small Avenue.
- Harmful to the residential character of the street due to increase traffic and activity from occupants and staff.
- Increased traffic on an already congested small cul-de-sac.
- Unacceptable amount of comings and goings from transient occupants, cleaning staff and support staff.
- Increase in traffic would be detrimental to safety for children playing in the cul-de-sac.
- Short term occupancy would be harmful to community cohesion.
- General disamenity caused by the number of occupants coming and going.
- The premises could not be effectively acoustically attenuated to protect from noise transfer due to the layout of the property.
- The use could lead to antisocial behaviour and lead to general disturbance.
- Reduce house prices.
- Public consultation not extensive enough.
- Lack of adequate parking and parking arrangement unworkable.
- The planning use class would allow for supported living in general, including people with addictions.

Councillor Shelley Lanchbury

- Objected on the basis that Rathbone Ave is a quiet well established residential cul-de-sac where children safely play outside. However, with the absence of not knowing the residents and staff at the property, residents would be less inclined to let children play out.
- The increase in car parking provision would Impact on current arrangements.

- The care provider is not experienced in running this type of facility on a quiet residential street.
- Supported housing would result in a transient occupation.
- Should the supported housing element of the consent change from a mother and baby unit to a different group of people, further consultation with residents should take place and additional planning permission should be sought.

Response to Objectors

The majority of the matters raised by objectors will be addressed within the body of this report. However, the matter of reduced house prices in the area as a result of the proposal is not a material planning consideration. Furthermore, one objector raised the matter that not all residents within the Avenue were consulted. The adjacent properties were consulted in accordance with the guidance set out within the NPPF National Planning Policy Framework.

The matter of controlling the type of supported housing occupants, can be controlled by a 'use restriction' condition, setting out the C2 Use can be only occupied as a mother and baby unit.

Furthermore, the issue raised by objectors in relation to pedestrian safety from the increase of vehicular comings and goings at the site is not a matter of concern as highways have not raised the matter.

The remaining matters raised by councillors and residents are considered to be material planning considerations and are consistent with the reasons why the local planning authority do not support the proposal.

Environmental Health- were consulted and raised no objection to the proposal.

The Highways Team- were consulted and suggested secure cycle storage be provided.

Greater Manchester Police- commented that similar uses can generate conflict with existing residents if there is an increased burden on street parking, increased numbers of people/vehicles visiting the property at various times of the day. For this reason, I would recommend a highly robust management strategy which has the correct policies and procedures to reduce conflict between the development/staff/residents and residents should it occur, so these do not escalate into incidents that can draw on police resources.

Greater Manchester Police made further comments relating to the proposal in relation to parking and confirmed the proposal may impact on:

Parking etiquette and arrivals/departures, that staff, residents, and visitors, do not park in a manner that could be perceived as antisocial, i.e. blocking driveways. I note that there will be three parking spaces and shouldn't be a major issue. Staff turnover and visitors should be within social hours.

Resident engagement so that any issues can be reported directly to the operators and can be dealt with accordingly.

Manchester City Council Supported Housing Team

Commented, supported houses do not support the proposal due to concerns around the accommodation offer for mothers and babies. The service proposal is to use a semi-detached house for multiple families, which would mean that families would be sharing a single bathroom and kitchen. Other Mother and Baby units in Manchester (Olivia Lodge and Lorna Lodge) offer self-contained apartments, which they feel is much better suited to this client group - as offers privacy and fewer safeguarding risks.

Issues

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 4 provides guidance on the decision-making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 5 refers to the need to deliver a sufficient supply of homes and states that strategic policies should be informed by a local need assessment and the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

Core Strategy

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. Appendix C of the Core Strategy has a list of superseded policies and their replacements.

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.

The following specific policies are considered to be particularly relevant to the proposed development:

Policy SP1- Spatial Principles - Policy SP1 advises that the Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living.

The City is covered by regeneration areas including the City Centre. All development should have regard to the character, issues and strategy for each regeneration area described in North, East, Central and South Manchester and Wythenshawe Strategic Regeneration Frameworks and Manchester City Centre Strategic Plan.

Policy SP1 goes on to state under Core Development Principles that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- o creating well designed places that enhance or create character;
- o making a positive contribution to the health, safety and wellbeing of residents;
- o considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
- o protect and enhance the built and natural environment.

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

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 H3 - North Manchester - Policy H3 relates to the delivery of housing in North Manchester, and states that over the lifetime of the Core Strategy, this area of Manchester will accommodate around 20% of new residential accommodation. The policy advises that priority will be given to family housing and other high value, high quality development where this can be sustained. This policy is designed to deliver residential accommodation, rather than people being accommodated in hotel and bed and breakfast accommodation.

Policy DM1 Development Management - Follows the principles advocated in the aforementioned policies and informs 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.
- Developers will be required to demonstrate that new development incorporates sustainable construction techniques.

For reasons to be outlined below, it is considered the proposal does not accord with this policy.

H10 Housing for people with additional support needs.

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.

Supplementary Guidance

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007).

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance was formally adopted in April 2007 and is relevant in this case. This guidance aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by the Design Council as being those urban design characteristics which create successful places, that is character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. The Guide to Development in Manchester acknowledges that different parts of the City have distinct or individual characters, which are a product of their design of their buildings, the nature of the streets, the quality of the landscape or nature of their activities. Such positive characteristics should be recognised and enhanced by new development, and each new development should be designed having full regard to its context.

Unitary Development Plan for the City of Manchester

DC2.1 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

The proposal is contrary to policy DC2.1 section a, b and c. The reasons are contained within the body of this report.

Policy DC26.1 advises that the Council intends to use the development control processes 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 on noise; and
- b. the implications of the new implications of new development being exposed to existing noise sources which are effectively outside planning control.

Policy DC26.4 - Requires that where an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, consideration is given to measures to deal with it satisfactorily. This is particularly relevant given the proximity of the site to residential uses.

Policy DC26.5 states the Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

The proposed development is located in a primarily residential area where potential new noise generating uses need to be considered carefully.

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise.

In the case of this application, the principle of the proposed conversion is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

It is considered that the proposed conversion of the property to a supported living unit, would result in the loss of family sized accommodation, in an area where it is desirable to retain such properties, in order to contribute to the Council's housing supply, would have a detrimental impact upon the current levels of residential amenity enjoyed by the occupants of neighbouring residential accommodation, and would not provide an adequate standard of accommodation.

On this basis, the proposal is considered to conflict with policies DM1, SP1, H3 and SP1 of the Manchester Core Strategy, saved Unitary Development Plan policy DC2.1 and DC26 and the National Planning Policy Framework (NPPF). There are no material considerations to indicate otherwise.

The matters of importance to this application are the loss of family housing, impacts on residential amenity, and standard of accommodation.

The nature of the street is historically that of family dwellings. It is considered that the conversion of the house into a unit for supported housing would be an intensification of the use of the premises, and as such it would create a congested, overcrowded environment, and erode the nature of the street, which would be contrary to policies SP1 and DM1 of the adopted Core Strategy Development Plan Document.

Amenity/Noise

It is acknowledged that the proposal would increase the activity levels at the property and would be significantly different to the activity associated with a single dwelling house. It is considered that the transient nature of use would lead to more comings and goings to the property on 24 hour seven days a week basis, which would give rise to increased levels of disamenity to local residents.

The proposed change of use signals a modification in the degree to which the site is visibly active. Whereas it is reasonable to assert that a single dwelling house will make fewer entrances and exits to and from the site over the course of a day or week, a supporting housing unit with approximately on average 9 occupants (possibly more), has the potential to exert a much greater impact on the amenity of local residents from comings and goings.

In addition, an increase in vehicular activity would take place by staff and visitors. The car parking layout is unacceptable and would increase demand on street car parking provisions within the confines of the small cul-de-sac. The proposed car parking layout allows for linear parking only which hinders the moveability of the cars leaving the site. With no restriction of people visiting the site. The potential therefore for noise and disturbance arising from the projected comings and goings is considered unacceptable in a residential area. For this reason, the application is contrary to the provisions of policies DM1 and SP1 of the adopted Core Strategy Development Plan Document for Manchester and saved policy DC26 of the Unitary Development Plan for Manchester.

Although the comments of the Head of Highways Services have noted the site is well accessed by sustainable modes. There is the potential to give rise to unacceptable levels of manoeuvring of vehicles, adding to the disamenity of the site as a whole, resulting in increasing activity levels causing harm to the occupiers of the surrounding properties, contrary to policies SP1 and DM1

of the adopted Core Strategy Development Plan Document for Manchester and DC26 of the Unitary development Plan for Manchester.

Loss of Family Accommodation

Policy H3 of the Core Strategy sets out requirements for new housing development in north Manchester, giving priority to family housing and other high value, high quality development.

This reflects the findings of the Housing Need and Demand Assessment 2010, which identifies a need for 3-4 bed family housing in the area.

It is apparent from recent figures obtained from the Council's Housing and Residential Growth section, that there are currently very significant shortfalls in the availability of family sized homes across the city based on current demand. Whilst these figures are based on the supply of social housing, there is inevitably a relationship between the availability of family homes for sale or rent in the private sector, and the demand for social housing.

An important policy objective of the City Council is to improve the quality of housing stock in the City and to deliver a more sustainable housing market. This can be achieved by increasing the amount of family housing stock on offer and by providing for choice through a range of accommodation. This would allow for more balanced and cohesive neighbourhoods that provide for stronger and safer communities.

The loss of a family house in this area would conflict with this aspiration, undermine the regeneration objectives for the area and increase the threat of existing families being driven out of the area, or from being attracted to the area, due to a shortage of appropriate accommodation. Whilst the effect of the loss of a single home on the overall mix and balance of housing in the area would be limited, it would nevertheless contribute to the short fall.

To permit the conversion of the property to supported housing would lead to the consequential loss of family sized accommodation, in clear contravention of City Council policy aspirations, which would serve to contribute to the imbalance of the housing mix in the area and deviate from the long-term housing objectives of the City Council which focuses on diversity and choice in the housing market.

On this basis, the proposed conversion is considered unacceptable.

Standard of Accommodation

The application site is a 3-bed semi-detached property, one of which is a box room, the first floor has one shower room to be used by both staff and residents. The ground floor comprises of an office and a lounge /kitchen area. Given the nature of the use and the amount of staff and residents occupying the property, the accommodation would be cramped and would result in poor quality living accommodation for the intended occupiers. There is a lack of private space and with the lack of en-suite facilities at the site, resulting in an unacceptable standard of living accommodation. The issues raised by the local planning authority have also been raised by the Supported Housing Team. The proposal is therefore contrary to policy of the Unitary Development Plan for the City of Manchester, policies DM1, SP1 and H10, of the Manchester Core Strategy and saved Unitary Development Plan policy DC2.1.

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

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Article 35 Declaration

Officers have worked with the agent and applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The proposal is considered to be contrary to the development plan and therefore cannot be supported by the City Council.

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

1) 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 patrons to the premises, contrary to policy DM1 of the Core Strategy and saved policy DC26 in the Unitary Development Plan for the City of Manchester.

2) The proposed development would not provide an adequate standard of accommodation due to the size of the property and the lack of en-suite facilities and shared communal space. The proposed development is therefore contrary to the provisions of Core Strategy policy H10 and saved Unitary Development Plan policy DC2.1.

3) The proposed conversion of the host property into a short term supported living accommodation (Class C2), would result in the loss of a family sized dwellinghouse, which would reduce the standard and availability of such housing in the area, undermining the provisions of policies H3, DM1 and SP1 of the Manchester Core Strategy, which seek to provide an appropriate mix and balance of housing provision in the locality, in order maintain a sustainable neighbourhood and cohesive housing market.

Appendix 1 – List of consultees & neighbours notified

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

18 Hilddale Avenue, Manchester, M9 6PP
36 Rathbourne Avenue, Manchester, M9 6PN
16 Hilddale Avenue, Manchester, M9 6PP
22 Hilddale Avenue, Manchester, M9 6PP
40 Rathbourne Avenue, Manchester, M9 6PN
20 Hilddale Avenue, Manchester, M9 6PP
14 Hilddale Avenue, Manchester, M9 6PP
31 Rathbourne Avenue, Manchester, M9 6PN
27 Rathbourne Avenue, Manchester, M9 6PN
29 Rathbourne Avenue, Manchester, M9 6PN

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA