MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137518/FO/2023
Date registered valid:	11 July 2023
Proposal:	Retention of two cabins for temporary period
Address:	1067-1071 Paul Murphy Centre , Rochdale Road, Manchester, M9 8AJ
Ward(s):	Harpurhey Ward
Applicant:	Mrs J Newman Vestacare Ltd
Agent (if any):	Mr Andrew Chapman Synergy Design Concepts Ltd
Case officer:	Robert Tyrer Tel: 0161 234 4068 Email: robert.tyrer@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: 5 September 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 23 August 2023

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 26 July 2023 Expired: 16 August 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

This application site relates to a pair of two storey, semi-detached properties located at Nos.1069 and 1071 Rochdale Road, in the Harpurhey area of North Manchester.

The properties are known as The Oakdene Centre and the Paul Murphy Centre, which provide essential, day and overnight care for vulnerable adults (Class C2), following planning permission being granted for such use.

The accommodation is operated by a company called Vesta Care. Their services are aimed at adults with learning disabilities and who also may have additional physical needs or complex behaviours.

The host properties are of predominantly masonry construction, with buff stone detailing - notably, around the windows. No. 1069 includes a tiled roof, whilst 1071 includes a slate roof. Both properties incorporate roof-lights to facilitate the use of the roof-space for further accommodation.

The double fronted properties incorporate bay windows and gable roofs. No.1071 includes a single storey side and rear extension. No. 1069 includes a step-lift to the front entrance, for which permission is sought as part of the current application.

The properties include front and rear garden areas, with pedestrian access achieved via footpath entrance points off Rochdale Road. The site frontage is enclosed by an attractive stone wall, with hedgerow behind.
Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site lies adjacent to the main arterial route of Rochdale Road, which links the city centre to north Manchester and the M60 motorway.

The immediate area is predominantly residential in character, comprising a mixture of detached, semi-detached and terraced properties of various architectural styles, ranging from 2-3 storey in height.

Description of development

Planning permission is sought to retain storage containers for temporary period

Consultations & Notification Responses

Notification letters were sent to the properties and addresses listed in appendix 1.

Local Residents/Public Opinion - In response to the original proposal, two representations were received both objecting to the proposal. Comments are summarised below:

- Raised that the containers were located without planning permission and have been in situ for several years to be used during the Covid pandemic, however the pandemic according to the Government is now over;
- Questioned why the facilities are not provided within the existing building;
- Has it resulted in a change of use from the approved use,
- Suggested that the planning service should removed the containers;
- One representation raised concerns with noise and disturbance with the source of the sound emanating from a service user within the storage container and questioned the suitability of their use.
- Noise can be heard from the Alliance Public House,
- Residents have complained regarding the noise and have made working from home difficult.

Issues

Planning History

There have been a number of application related to the site and properties over the years, of relevance to this application are as follows:

Application Reference and Decision	**Description of Proposal**
126713/FO/2020 Recv: 11.05.2020 Application Approved - 28.05.2021	Erection of a two storey link extension in order to provide ancillary accommodation to existing centre with associated works, together with the retention of a step-lift to the main entrance
117524/JO/2017 Recv: 30.10.2017 Application Approved - 22.12.2017	Application for the variation of Condition 2 (Specified Plans) attached to planning permission 108871/FO/2015/N1 to allow elevational alterations to side extension and the installation of additional rooflight windows

118607/JO/2017 Recv: 03.01.2018 Application Approved - 10.05.2018	Application for the variation of condition 1 attached to application 117524/JO/2017 to seek consent for an amended design of disabled access ramp, extended raised platform area with balustrade fence surround, new platform lift, screening fencing, rendering of rear elevation, along with hard and soft landscaping works to the front, side and rear of the site
108871/FO/2015/N1 Recv: 07.07.2015 Application Approved - 07.03.2016	Part retrospective Planning Application for change of use of 1069 and 1071 Rochdale Road from offices (B1 Use) residential (C3 Use) to respite accommodation (C2 Use), with hydrotherapy pool in No. 1069, for adults with learning disabilities, including the erection of a two-storey side extension to 1071 Rochdale Road
097353/FO/2011/N1 Recv: 16.11.2011 Application Approved - 21.03.2012	Change of use of 1069 and 1071 Rochdale Road from offices (B1 Use)/residential (C3 Use) to respite accommodation (C2 Use), with hydrotherapy pool in No. 1069, for adults with learning disabilities, including the erection of a two-storey side extension to 1071 Rochdale Road
087036/FU/2008/N1 Recv: 19.09.2008 Application Approved - 21.11.2008	Change of use from residential use to offices (B1) in connection with proposed Adult Day Centre at 1067 Rochdale Road and creation of hydrotherapy pool at ground floor
087035/FU/2008/N1 Recv: 25.07.2008 Application Approved - 28.10.2008	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

Policy

The following policy and guidance are considered relevant to the consideration of this application:

-Saved policies DC2 and DC26 of the Unitary Development Plan for the City of Manchester.

-Policies DM1, SP1and H10 of the Core Strategy;

-The Guide to Development in Manchester (SPD);

-Special Needs and Supported Housing Supplementary Planning Guidance (SPG) (1998);

-National Planning Policy Framework – Of particular relevant is Section 12 - 'Achieving Well-Designed Places'

Principle/Use - Saved policy DC2.1(e) of the UDP relates to care homes and underlines support for proposals which allow for ease of access for all, including disabled people. This is reflected in the more wide-ranging development management and strategic policies of DM1 and SP1 of the Manchester Core Strategy.

Further, paragraph 92 of the NPPF in particular states that:

'Planning decisions should plan positively for community facilities that enhance the sustainability of communities and should take into account the delivery of local strategies to improve health and social well-being for all sections of the community.

The site cabins have been in situ since 5th May 2020, and the applicant seeks to retain the cabins for a further 3 years. The cabins are used as sensory areas for service users and at times when challenging situations occur with the service users the cabins provided break out rooms and calming areas.

A representation questioned whether the proposal had result in a material change of use. However, in this case there is no clear functional separation between the cabins and the main building. The cabins are used for activities incidental to the residential use and respite accommodation.

Considering the above, the development will continue to support the existing care facility albeit on a temporary basis. The general principle of the development is therefore considered acceptable, subject to consideration of further planning matters relating to siting and residential amenity. These are outlined further below.

Siting/Appearance – The site cabins are located next to the rear boundary of the site, as shown in image 1 both are located close to access point off Cumberland Road (photograph 4) which also provides access to residential garages at the rear of no.s 4 and 6 Cumberland Road and 3, 5 and 5a Cambridge Road. Site cabin no.1 is located within the existing car park (photographs 1 and 2) and Site Cabin no.2 located within the garden area to the rear of 1071 Rochdale Road (photograph 3).

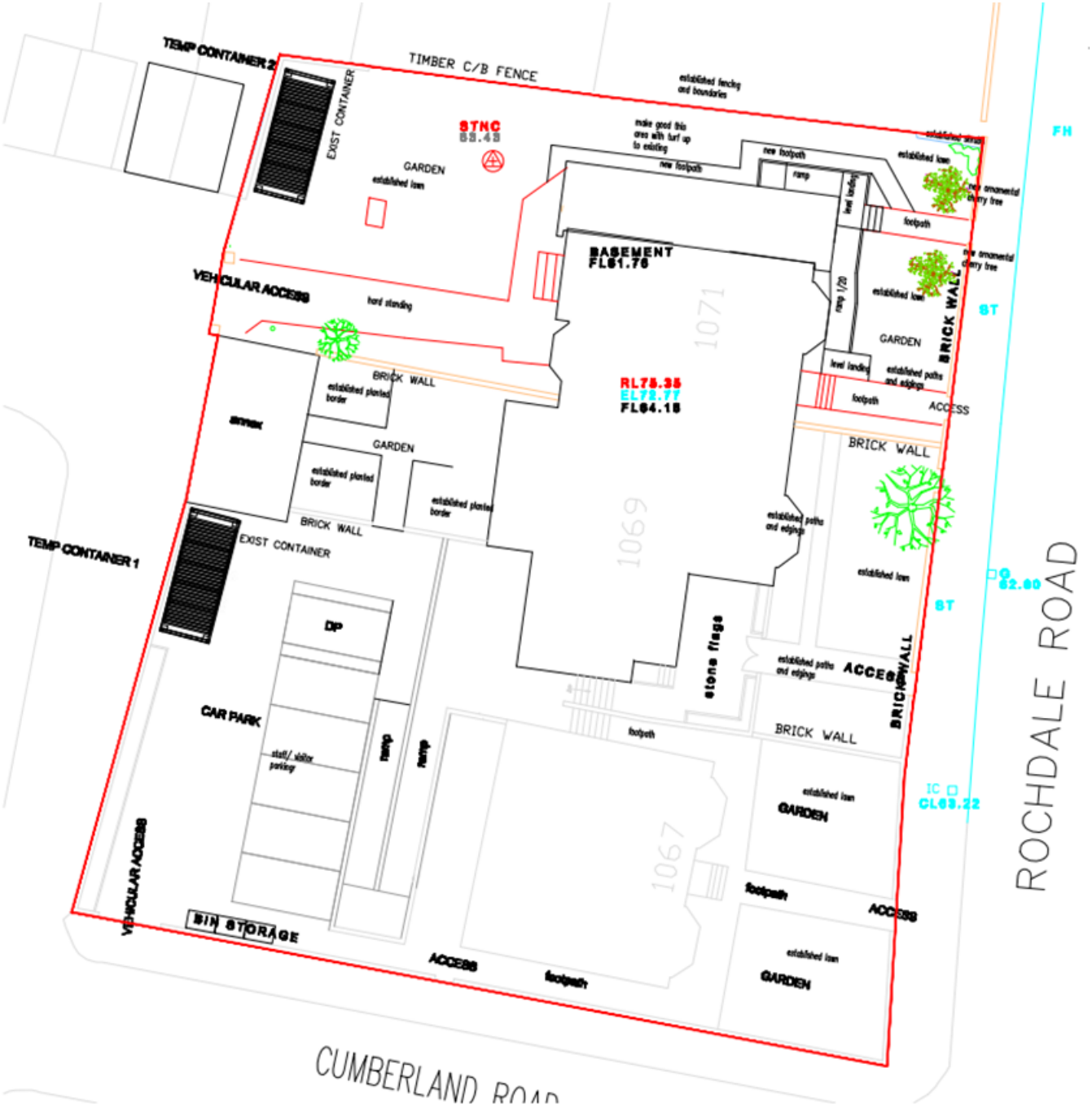


Image 1 Site Cabins Locations within the application site taken from drawing no.01



Photographs 1 and 2 Site Cabin no.1 (Source: Site photographs)





Photograph 3 Site Cabin no.2 (Source: Site photographs) Photograph 4: Access Road from Cumberland Road to garages

As can be seen from the site photographs the views of the cabins are limited from the public highway and neighbouring residential properties due to the existing boundary wall with only the tops of the cabins being visible. The impact on the surrounding area in terms of their siting and visual appearance are limited.

Residential Amenity – Two representations were received objecting to the proposal, with latter raising noise and disturbance in particularly emanating from within the cabins, however the cabins are there to provide additional support facilities for the site in the form break out rooms and calming area, the use of the site has already been established following the planning permission being granted for such use which is to provide essential, day and overnight care for vulnerable adults (Class C2).

The accommodation is operated by a company called Vesta Care. Their services are aimed at adults with learning disabilities and who also may have additional physical needs or complex behaviours.

Any noise nuisance caused would still be subject to other legislation. Given the limited size of each cabin, the proposal would not unduly affect living conditions at neighbouring properties.

Furthermore, it is recommended that the use be given a temporary permission of 3 years to allow for the applicant to explore more permanent structures and solutions to the cabins and to protect residential amenity.

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 polices 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: Approve

Article 35 Declaration

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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

1) The permission hereby granted is for a limited period only, expiring on 6 October 2026, following which the cabins are required to be removed and the land shall be reinstated within 6 months following their removal.

   Reason - To enable the local planning authority to review the situation in the interest of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

2) The development hereby approved shall be retained in accordance with the following drawings and documents, for the duration of this permission:

   Drawing No.01

   Reason - To ensure that the development accords with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

5A Cambridge Road, Manchester, M9 8BB
1065 Rochdale Road, Manchester, M9 8AJ
7 Cumberland Road, Manchester, M9 8BH
6 Cumberland Road, Manchester, M9 8BH
4 Cumberland Road, Manchester, M9 8BH
7 Cambridge Road, Manchester, M9 8BB
5 Cambridge Road, Manchester, M9 8BB
3 Cambridge Road, Manchester, M9 8BB
5 Cumberland Road, Manchester, M9 8BH
9 Cambridge Road, Manchester, M9 8BB

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
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA