

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135232/FO/2022

Date registered valid: 25 October 2022

Proposal: Retrospective change of use of existing care home to dwellinghouse (C3 use)

Address: Russley Lodge, 276 Wilbraham Road, Manchester, M16 8WP

Ward(s): Whalley Range Ward

Applicant: Mr M Khaligjar

Agent (if any): David Ormesher, Holborow & Ormesher

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 22 March 2023

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 9th March 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 9 January 2023 Expired: 30 January 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

The property that is the subject of this planning application is a 2 -storey detached red brick property with a third floor sitting within the roof space. The property was previously in use as a care home. The front garden area is laid predominantly as an area of hardstanding with a small raised grassed area bounded by a low brick wall. The front boundary treatment is a low wall and railing. Both the vehicular and pedestrian access to the property is taken from the frontage of Wilbraham Road. There is a brick wall with coping stones on top running along the common boundary with 92 Alexandra Road South. The rear garden is accessed from down the side of the property and is enclosed by a combination of brick wall and timber panel fencing. The area is laid mainly to lawn.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature comprising of semi -detached and detached properties. There are apartments either side of the property the ones facing onto Alexandra Road South are a converted detached property, with the ones at Arnold Court, Wilbraham Road being a three- storey purpose built block.

Description of development

The proposal is for the change of use from a care home to a single family dwellinghouse. The change took place in June 2022. This application would be to regularise the change. There are no extensions or elevational alterations to the property with the changes being internal reconfiguration only.

Consultations & Notification Responses

Local Residents-were informed, one representation has been received, it does not raise objections, but asks that consideration be given to lighting from the property and its impact upon the neighbouring properties. They also had concerns that a residential property may generate more noise than a care home.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It provides a mechanism through 'which locally prepared plans for housing and other development can be produced.' It states that 'at the heart of the Framework is a presumption in favour of sustainable development.' However, the Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, the statutory status of the development plan remains as the starting point for decision making. In 'decision-taking', this means that development proposals that accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The Framework has been related to the proposed development, with emphasis given to the following:

Chapter 5 Delivering a sufficient supply of homes - States that to support the Government's objective of significantly boosting the supply of homes, it is important that: a sufficient amount and variety of land can come forward where it is needed; the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The development would ensure the reinstatement of a residential use and thereby positively contribute to local housing supply. The development would thereby accord with chapter 5.

ii. Chapter 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion. The development would secure a sustainable use for the property, which would be appropriate in a residential context. The application property has existing security measures, including gates to control access to the rear of the property. The levels of activity associated with the proposed use would be consistent with residential occupation and would have potentially less significant impact than the operation of a day nursery, in terms of noise and activity. It is considered that the development would accord with the objectives of Chapter 8.

iii. Chapter 11: Making effective use of land - States that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The reinstatement of residential use would ensure a sustainable use for the application property and thereby accord with chapter 11.

Planning Practice Guidance (PPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In the following assessment of the proposed development has been given to the following aspects of the PPG:

i. Consultation and pre-decision matters - The NPPG reasserts that local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. All necessary local consultation has been undertaken.

Manchester's Local Development Framework: 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. A number of UDP policies have been saved until replaced by further development plan documents that 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 policies are relevant to the proposed development:

Policy SP 1 - Sets out the key spatial principles which will guide the strategic development of Manchester to 2027. Policy SP 1 states, amongst other things, that Development should:

- a. Make a positive contribution to neighbourhoods of choice including the creation of 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 and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;

The development involves a reinstatement of the original use, which would be sustainable and appropriately related to the surrounding residential context and character of the area. The development is therefore positively related to policy SP1.

Policy DM1 - 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. Relevant considerations in this case are:

- a. Appropriate siting, layout, scale, form, massing, materials and detail;
- b. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- c. Effects on amenity;
- d. Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes;
- e. Community safety and crime prevention;
- f. Design for health.

The development has been reconfigured internally only, with no additions or elevational alterations to the exterior of the building. It relates therefore to the constraints of the existing house and the existing circumstances would therefore be maintained, in terms of access and context. It is likely that activity associated with residential use is likely to be less than would be expected with the former operation of a care home use. Particularly as the change took place in June 2022 and there have been no complaints with regards to its use as a single family dwellinghouse. The development would not present new issues with regard to security or crime prevention. The development would thereby be appropriately related to policy DM1.

Policy EN19 (Waste) - Requires consideration that the development would meet sustainable waste management needs of the end user. In this case, the requirements of waste bins is likely to be reduced. Bins are currently located at the side of the house and the continuation of these storage arrangements would be acceptable. It is considered that the development would accord with policy EN19.

Policy H1 (Overall Housing Provision) Relates to the City Council strategy for the delivery of new housing between March 2009 and March 2027. The proposed development responds positively to policy H1 through the reinstatement of a residential use, particularly one offering good sized family accommodation.

Policy H11 (Houses in Multiple Occupation) - A condition would be attached to any consent granted to ensure that the proposed housing is retained as Class C3 accommodation. This accords with the requirement of policy H11, of securing a sustainable supply of family housing and maintaining an appropriate mix of housing type and tenure.

Unitary Development Plan saved policies - The following saved policy is considered to be relevant:

Policy DC26.5 - 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.

In this case, it is not considered that noise from the proposed residential use would require specific noise attenuation. Furthermore, external noise is likely to be reduced following the cessation of the commercial care home use, particularly associated with the previous comings and goings. Policy DC26 would therefore be complied with.

Principle of the development - Given the location of the site a residential use is considered to be acceptable reinstating residential accommodation through the replacement of a commercial use.

Residential Amenity- It is not considered that the proposal for a single family dwellinghouse would have a detrimental impact upon the level of amenity currently enjoyed by the neighbouring properties. The amenity space around the property is sufficient for the occupants of the property.

Visual Amenity- There are no changes to the elevations, or the garden areas proposed as part of this application. It is therefore not considered that the proposal would have a detrimental impact upon the property itself, nor the character of the area within which it is located.

Waste management - The existing arrangements, which locate bins to the side of the house would be maintained and are considered to be acceptable.

Highways - The number of vehicle movement is likely to be reduced following the cessation of the care home use. The neighbouring street has the capacity of the on-street car parking. It is not considered that the development would have a detrimental impact on both pedestrian and highway safety within the vicinity of the site.

Cycle storage - The site has the capacity for storage in the rear garden or within the house if required.

Parking- The parking is not impacted

Conclusion - The development is considered an acceptable change in a residential context.

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: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner in order to achieve solutions to problems arising from the consideration of this planning application. The application has been determined in accordance with local and national policies.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Proposed Site Plan received 14th October 2022

225722/02 -Proposed Floor Plans received 14th October 2022

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMOs restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through the provision of accommodation that is suitable for people living as families pursuant to paragraph 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

351 Wilbraham Road, Manchester, M16 8NP
353A Wilbraham Road, Manchester, M16 8NP
Flat 10, 92 Alexandra Road South, Manchester, M16 8QJ
Flat 9, 92 Alexandra Road South, Manchester, M16 8QJ
Flat 8, 92 Alexandra Road South, Manchester, M16 8QJ
Flat 7, 92 Alexandra Road South, Manchester, M16 8QJ
Flat 6, 92 Alexandra Road South, Manchester, M16 8QJ
Flat 5, 92 Alexandra Road South, Manchester, M16 8QJ
Flat 4, 92 Alexandra Road South, Manchester, M16 8QJ
Flat 3, 92 Alexandra Road South, Manchester, M16 8QJ
Flat 2, 92 Alexandra Road South, Manchester, M16 8QJ
Flat 1, 92 Alexandra Road South, Manchester, M16 8QJ
92A Alexandra Road South, Manchester, M16 8QJ
Flat 9, 347 - 349 Wilbraham Road, Manchester, M16 8NP
Flat 8, 347 - 349 Wilbraham Road, Manchester, M16 8NP
Flat 7, 347 - 349 Wilbraham Road, Manchester, M16 8NP
Flat 6, 347 - 349 Wilbraham Road, Manchester, M16 8NP
Flat 5, 347 - 349 Wilbraham Road, Manchester, M16 8NP
Flat 4, 347 - 349 Wilbraham Road, Manchester, M16 8NP
Flat 3, 347 - 349 Wilbraham Road, Manchester, M16 8NP
Flat 2, 347 - 349 Wilbraham Road, Manchester, M16 8NP
Flat 1, 347 - 349 Wilbraham Road, Manchester, M16 8NP
90A Alexandra Road South, Manchester, M16 8QJ
Flat 7, 90 Alexandra Road South, Manchester, M16 8QJ
Flat 5, 90 Alexandra Road South, Manchester, M16 8QJ
Flat 10, Arnold Court, 278 Wilbraham Road, Manchester, M16 8WP
Flat 9, Arnold Court, 278 Wilbraham Road, Manchester, M16 8WP
Flat 6, Arnold Court, 278 Wilbraham Road, Manchester, M16 8WP
Flat 4, Arnold Court, 278 Wilbraham Road, Manchester, M16 8WP
Flat 1, Arnold Court, 278 Wilbraham Road, Manchester, M16 8WP
Flat 11, Arnold Court, 278 Wilbraham Road, Manchester, M16 8WP

353 Wilbraham Road, Manchester, M16 8NP
92 Alexandra Road South, Manchester, M16 8QJ
Flat 6, 90 Alexandra Road South, Manchester, M16 8QJ
Flat 2, 90 Alexandra Road South, Manchester, M16 8QJ
Flat 1, 90 Alexandra Road South, Manchester, M16 8QJ
102 Alexandra Road South, Manchester, M16 8WU
Flat 8, Arnold Court, 278 Wilbraham Road, Manchester, M16 8WP
Flat 7, Arnold Court, 278 Wilbraham Road, Manchester, M16 8WP
Flat 5, Arnold Court, 278 Wilbraham Road, Manchester, M16 8WP
Flat 3, Arnold Court, 278 Wilbraham Road, Manchester, M16 8WP
Flat 2, Arnold Court, 278 Wilbraham Road, Manchester, M16 8WP
Flat 12, Arnold Court, 278 Wilbraham Road, Manchester, M16 8WP

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 Zone - All Exceeding 90M
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA