

## **Planning**

## **Growth & Development**

### **Delegated officer report for planning application**

**Application no.** 136708/FO/2023

**Date registered valid:** 2 May 2023

**Proposal:** Change of use of day nursery to form supporting living with care (Class C2).

**Address:** 23 Seymour Road, Manchester, M8 5BR

**Ward(s):** Crumpsall Ward

**Applicant:** Mrs Eniola Adelakun, Armour Care Services

**Agent (if any):**

**Case officer:** Janine Renshaw-Livesey  
Tel: 0161 234 4555  
Email: [janine.renshaw-livesey@manchester.gov.uk](mailto:janine.renshaw-livesey@manchester.gov.uk)

**Recommendation:** APPROVE

**Date of recommendation:** 27 June 2023

## Application details

**Type of application:** Full Application Consent

**Development type:** Change of use

**Date of site visit:** 20 June 2023

### Standard consultations:

Printed: 16 May 2023      Expired: 6 June 2023

### Neighbour notifications

Printed: 16 May 2023      Expired: 6 June 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

The Site - This application relates to a detached property that is located at 23 Seymour Road in the Crumpsall area of North Manchester. The property is currently in use as a private day nursery and the site is located directly adjacent to the Crumpsall Lane Conservation Area. The area surrounding the application site is residential in nature.

The Proposal - Planning permission is sought for a change of use of day nursery to form supporting living with care (Class C2). The property has 6 bedrooms and would be occupied by Armour Care: supporting up to 5 adults with learning disability to live at the premises, the 6th bedroom being used by the staff. Support and care would be provided according to assessed need, with a staff team on site 24 hours.

## Site History

091933/FO/2009/N1 Erection of a single storey extension to rear of building and erection of a canopy to rear garden in association with the existing nursery

## **Consultations & Notification Responses**

Local residents were consulted, and no representations were received.

Supporting Needs Monitoring Group (SNMG) - Following favourable feedback from the ward councillors SNMG confirmed Supported Needs Monitoring Group is in favour of the proposed supported living scheme at 23 Seymour Road. This is on the condition that the care provider maintains staff support on site at all times.

Highway Services - The following comments have been received:

Highways commented, the staff requirements are a minimum of 2 per shift and a brief overlap between shifts. Dependant on residents' needs staff numbers may be greater than the minimum, but highways would not expect any issues from staff parking. No resident parking is anticipated. If it is needed the applicant should consider providing a drive.

The development should have cycle parking for staff and possibly residents. Provision should be secured by way of condition and be weatherproof and secure. Highways would suggest that provision of a domestic shed in the back garden would be appropriate.

Based on the above there are no highway related objections subject to a suitably worded condition to secure cycle parking. A cycle storage condition has been added to the consent.

Environmental Health - Recommendation conditions that:

Environmental health requested an acoustic attenuation condition be attached to the consent. However, given the nature of the permission, this requirement is considered not necessary. Furthermore, an air quality condition was requested to provide an electrical car charging point. This is considered not necessary as the proposal does not have off street car parking.

Greater Manchester Police (GMP)-Raised no objection to the development, but the following recommendations have been made:

GMP confirmed they don't have any concerns from a crime prevention perspective. The location generally seems fine for a development of this nature with not many neighbouring properties that would be disturbed by staff coming and leaving, and there seems to be ample on street parking in the area despite the lack of onsite parking. Considering the comments received from GMP no conditions have been added to the consent.

## **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.

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 (paragraph 92). The development would be beneficial to the well-being of potential residents accessing the provided residential mental health care and support. On balance, it is considered that the development would be appropriately related to a residential setting that is characterised by pedestrian and vehicular activity on Seymour Road, Chapter 8 would thereby be accorded with.

Chapter 9: Promoting sustainable transport - States that in assessing specific applications for development, it should be ensured that:

- i. The potential impact of development on transport networks can be addressed;
- ii. Provide opportunities for walking, cycling and public transport use (Paragraph 104).

It is considered that, given the magnitude of the development, the generation of traffic and vehicular movement would be predictable and capable of being accommodated within the local highway infrastructure. The site has some parking provision and is in a sustainable location, in terms of access to public transport. A condition has been included relating to the provision of a staff travel plan to further reduce reliance of private car usage and encourage sustainable transport options. The development would thereby positively relate to Chapter 9.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application the following aspects of the PPG have been appropriately responded to:

- i. Consultation and pre-decision matters;
- ii. Health and well-being;
- iii. Noise;
- vii. Travel plans.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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.'

The following Core Strategy policies are relevant to the development:

Policy SP 1 (Spatial Principles) - Policy SP1 specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes 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 well-being 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;
- c. 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.

It is considered that the scale and nature of the development would be consistent with the residential character of the surrounding area. It would also meet an identified care need and support the well-being of future residents. The site benefits from access to local transportation routes, which would support access to the employment opportunities presented by the development. The development would thereby comply with policy SP1.

Policy EN19 (Waste) - Policy EN19 requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
- ii. The sustainable waste management needs of the end user will be met.

The applicant has identified a suitable location for waste storage within the site boundary, including the storage of segregated waste streams within the site. It is considered that appropriate arrangements are capable of being by condition to secure compliance with policy EN19.

Policy H 10 (Housing for people with additional support needs) - Identifies a number of supported housing needs, including the needs of people experiencing issues with mental health and well-being. It also states that proposals for accommodation for people with additional needs will be supported where:

- i. There is not a high concentration of similar uses in the area already;
- ii. The development would contribute to the vitality and viability of the neighbourhood;
- iii. There would not be a disproportionate stress on local infrastructure, such as health facilities.

Policy T1 (Sustainable transport) - Policy T1 relates to the delivery of sustainable, high quality, integrated transport systems, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport. In this case that development does not incorporate in curtilage car parking. However, given the nature of the development traffic generation and demand for car parking would be related to staff and visitors rather than residents. It is considered in this case that any impact would be predictable and capable of being managed through a travel plan condition thereby securing compliance with policy T1.

Policy T2 (Accessible areas of opportunity and need) - Policy T2 states that the Council will actively manage the pattern of development to ensure that new development is easily accessible by walking, cycling and public transport; connecting residents to jobs, centres, health, leisure, open space and educational opportunities. Policy T2 requires that appropriate car parking and cycle storage is provided. The application site is in a sustainable location, in terms of access to public transport. Some on-site car parking and cycle storage would be provided. It is considered that the development would be suitably related to policy T2, particularly as a staff travel plan has been recommended.

Policy DM1 (Development Management) - 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 magnitude of the development and its impact on the character of the surrounding area;
- c. Effects on amenity, including privacy, light, noise and road safety and traffic generation;
- d. Accessibility relating to inclusive access for people with disabilities and access via sustainable transport modes;
- e. Community safety and crime prevention;
- f. Design for health;
- g. Adequacy of internal accommodation and external amenity space;
- h. Refuse storage and collection.

The development would be related to an existing property without the formation of any related extensions. The development would be conditioned to limit occupancy to 5 residents with support staff to safeguard residential amenity and to ensure that the use would be related to the capacity and constraints of the site. The residential character of the area would thereby be maintained. It is also considered that activity in and around the site would be predictable and manageable, including traffic generation. Any noise associated with the development would be consistent with residential use and, in this case, the property has been historically used as nursery with related levels of noise and activity. The proposed quality of living space within the reconfigured property would be acceptable. It is acknowledged that external amenity space would be limited but this would be offset by the positive benefits of the development. The proposed waste management arrangements would adequately accommodate segregated waste streams. It is therefore considered that the development would comply with policy DM1.

Unitary Development Plan (UDP) saved policies -The following saved policies are relevant to the assessment of the development:

Policy DC2 (Rest Homes and Nursing Homes) - Relates to the assessment of planning applications for rest homes, nursing homes and other uses within Class C2 of the Use Classes Order and requires that consideration is given 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;
- g. The desirability of broadly maintaining the existing character of a residential street or group of adjoining streets.

It is considered that the proposal would achieve these objectives through the provision of care facilities that would respond to a recognised care need for adults requiring immediate and more comprehensive residential care. It would also support residents in transition towards independent living. The applicant has demonstrated that the development can be appropriately managed as a small-scale care home without unduly affecting the residential character of the surrounding area. The development would also be supported with an appropriate standard of accommodation. Policy DC2 would thereby be accorded with.

Policy DC26 (Development and noise) - Requires that consideration be given to the likely generation of noise attributable to new development. It also identified the associated need to manage the potential impact of noise through the implementation of any identified attenuation measures.

In this case, the development would be restricted to 5 residents by condition thereby achieving a level of occupancy that would limit potential noise and disturbance to a level consistent with a nursery. The unit would have staff on-site on a 24-hour basis to ensure appropriate supervision, including management of noise and disturbance. The development is therefore capable of achieving accordance with policy DC26.

Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance - The Guide aims to support and enhance the on-going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester.

The following paragraphs are relevant:

- i. Section 3 Accessibility;
- ii. Section 8 Community Safety and Crime Prevention.

For the reasons set out in this report, it is considered that the development would positively respond to the above guidance.

Positive and proactive engagement with the applicant - An amendment to the Development Management Order, which came into effect on 1st December 2012, requires every decision notice relating to planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application.

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, officers have engaged with the applicant to secure clarification of the characteristics of the proposed use leading agreement that it should be considered as a Class C2 development. The impact of the development on the character of the area and local health care infrastructure has been appropriately assessed. Further discussions have ensured the submission of sufficient information, including details of staffing arrangements, to allow the development to be appropriately considered.

Principle of the development - Although not lawfully established the property appears to have a history of occupation with a resulting level of noise and activity. Consideration has therefore been given to how the development might depart from these circumstances and impact on residential amenity and the character of the area. The development would utilise existing accommodation. It is the case that the addition of support staff would increase the level of occupation. However, the presence of staff would proportionate and necessary to secure both care, the management of the unit and to reduce the potential for noise and disturbance. The principle of the development is therefore considered to be acceptable.

Residential amenity - The proposed activity would be comparable with noise from neighbouring residents returning home. The applicants care model seeks to provide care for local people who, upon discharge, can access the established support of family, friend and health care providers. On balance, it is considered that the development can be suitably managed through

the recommended conditions and the development would be appropriately related to the surrounding residential context.

Car parking, cycle storage and highways issues - The development would utilise the existing pedestrian access and egress arrangements. It is acknowledged that the site has no car parking capacity. However, given the nature of the proposed use, it is likely that any demand for car parking would be limited staff and visitors. Furthermore, it is considered that any traffic generated would be comparable to the continued use of the property as a nursery. The inclusion of a condition relating to the operation of the development in accordance with a travel plan would also aid the management of private car usage. The cycle provision has been conditioned

Electric vehicle (EV) charging points - As the development relates to a change of use with no existing car parking, it is not considered that there would be a departure from the current circumstances. The inclusion of an EV point would be an onerous requirement in this instance.

Staff travel plan - The proposal would reduce reliance on private car usage through a condition of a cycle store. The provision of cycle storage and availability of public transport give confidence that an appropriate staff travel plan could be delivered to further reduce private car usage. It is recommended that the development be conditioned accordingly.

Amenity space and landscaping - The existing residential gardens would be retained. It is recognised that the availability of external space is limited but this would be offset by the positive benefits of the proposed use.

Waste and recycling management - The applicant has demonstrated that the site has the capacity to accommodate waste and recycling waste.

Conclusion - It is considered that the proposal would represent sustainable care use that would address a specific need and demand within the city. The development would thereby be beneficial to the well-being of future residents with management arrangements to ensure that amenities of the local area would not be unduly harmed.

## **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 based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, officers have engaged with the applicant to secure clarification of the characteristics of the proposed use leading agreement that it should be considered as a Class C2 development. The impact of the development on the character of the area and local health care infrastructure has been appropriately assessed. Further discussions have ensured the submission of sufficient information, including details of staffing arrangements, to allow the development to be appropriately considered.

### **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:

F01/EY/03 and the Location Plan, stamped as received on the 11 April 2023 and the Supported Need Information and the Waste Management Strategy, stamped as received on the 2 May 2023.

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) Before the occupation of the development, a scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to cycle storage. The approved scheme shall be implemented upon first occupation of the development and maintained in situ at all times thereafter.

Reason - In the interests of residential amenity and highway safety pursuant to policies SP1, T1 and DM1 of the Core Strategy for the City of Manchester.

4) The waste management arrangements shall be carried out in accordance with Waste Management Strategy, stamped as received by the City Council, as Local Planning Authority, on the 2 May 2023. The approved scheme shall be implemented prior to the first occupation of the building and shall remain in situ whilst the use or development is in operation.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

5) The planning permission hereby granted relates to the use of 23 Seymour Road residential care home (Class C2) for occupation by a maximum of 5 residents with support staff providing 24-hour care, Monday to Sunday (inclusive).

Reason - For the avoidance of doubt and in the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

6) Before the development hereby approved is first occupied a staff travel plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a staff travel plan means a document which includes:

- i) The measures proposed to be taken to reduce dependency on the private car by those employed in the development;
- ii) A commitment to surveying the travel patterns of staff during the first three months of use of the development and thereafter from time to time;
- iii) Mechanisms for the implementation of the measures to reduce dependency on the private car;
- iv) Measures for the delivery of specified travel plan services;
- v) Measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car.

Within six months of the first use of the development, a revised staff travel plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the City Council as local planning authority. Any staff travel plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the authorised development is in use.

Reason - To assist promoting the use of sustainable forms of travel to the authorised care home (Class C2), pursuant to policies SP1, T2 and DM1 of the Core Strategy for the City of Manchester and the Guide to Development in Manchester SPD (2007).

7) The development hereby approved, shall be carried out in accordance with the supported need statement by Amour Care Services Limited, stamped as received by the City Council, as Local Planning Authority, on the 2 May 2023.

Reason - For the avoidance of doubt and in the interests of residential amenity pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

## **Informatives**

1) Construction works shall be confined to the following hours by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work



## **Appendix 1 – List of consultees & neighbours notified**

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

46 Seymour Road, Manchester, M8 5BR  
44 Seymour Road, Manchester, M8 5BR  
25 Station Road, Crumpsall, Manchester, M8 5BS  
31 Station Road, Crumpsall, Manchester, M8 5EB  
27 Station Road, Crumpsall, Manchester, M8 5EB  
Flat 3A, 1 Rectory Road, Manchester, M8 5EA  
Flat 6, 3 Rectory Road, Manchester, M8 5EA  
Ground Floor Flat, 5 Rectory Road, Manchester, M8 5EA  
Flat 6, 5 Rectory Road, Manchester, M8 5EA  
Flat 5, 5 Rectory Road, Manchester, M8 5EA  
Flat 4, 5 Rectory Road, Manchester, M8 5EA  
Flat 3, 5 Rectory Road, Manchester, M8 5EA  
Flat 2, 5 Rectory Road, Manchester, M8 5EA  
Flat 1, 5 Rectory Road, Manchester, M8 5EA  
5 Rectory Road, Manchester, M8 5EA  
7 Rectory Road, Manchester, M8 5EA  
1 Rectory Road, Manchester, M8 5EA  
Flat 2, 7 Rectory Road, Manchester, M8 5EA  
Flat 4, 3 Rectory Road, Manchester, M8 5EA  
Flat 1, 3 Rectory Road, Manchester, M8 5EA  
Flat 4, 1 Rectory Road, Manchester, M8 5EA  
9 Rectory Road, Manchester, M8 5EA  
48 Seymour Road, Manchester, M8 5BR  
3 Rectory Road, Manchester, M8 5EA  
33 Station Road, Crumpsall, Manchester, M8 5EB  
29 Station Road, Crumpsall, Manchester, M8 5EB  
Flat 6, 7 Rectory Road, Manchester, M8 5EA  
Flat 5, 7 Rectory Road, Manchester, M8 5EA  
Flat 4, 7 Rectory Road, Manchester, M8 5EA  
Flat 3, 7 Rectory Road, Manchester, M8 5EA  
Flat 1, 7 Rectory Road, Manchester, M8 5EA  
Flat 5, 3 Rectory Road, Manchester, M8 5EA  
Flat 3, 3 Rectory Road, Manchester, M8 5EA  
Flat 2, 3 Rectory Road, Manchester, M8 5EA  
Flat 5, 1 Rectory Road, Manchester, M8 5EA  
Flat 3, 1 Rectory Road, Manchester, M8 5EA  
Flat 2, 1 Rectory Road, Manchester, M8 5EA  
Flat 1, 1 Rectory Road, Manchester, M8 5EA

## **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

