
Appeal Decision

Site visit made on 22 May 2017

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 June 2017

Appeal Ref: APP/B4215/W/17/3169605

Malcolm House, Fernside House and Fernside Stables, 27 Windsor Road, Newton Heath, Manchester M40 1QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Select Support Partnerships Ltd against the decision of Manchester City Council.
 - The application Ref 114133/FO/2016, dated 5 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is the change of use from C1 (guest house) to C2 (residential).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from C1 (guest house) to C2 (residential) at Malcolm House, Fernside House and Fernside Stables, 27 Windsor Road, Newton Heath, Manchester M40 1QQ, in accordance with the terms of application, Ref 114133/FO/2016, dated 5 October 2016, subject to the conditions set out in Annex A.

Procedural Matter

2. The address given on the original application form is slightly different to that used by the Council on the decision notice as it refers only to Malcolm House. As it is clear from the plans and evidence that the application relates to all 3 buildings, I have employed that used by the Council, which has also been cited by the appellant in Section D of their appeal form, in the heading above and in my decision.

Main Issue

3. The main issue in the appeal is the effect of the proposal on the overall mix of housing in this part of Manchester.

Reasons

4. The appeal site consists of 2 large detached houses and a former stable block that are currently vacant, but which I understand were formerly used for temporary accommodation for overseas students. The two main houses are linked by a glazed walkway. The surrounding area is predominantly residential and contains a mix of terraces, semi-detached and detached dwellings that vary in age, scale and design. The proposal would change the use of the building to provide supported living accommodation for adults with learning difficulties and complex care needs. It would comprise a mix of self-contained
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- apartments and en-suite rooms, as well as a number of communal areas and staff accommodation.
5. Whilst both Policy H10 of the *Manchester Core Strategy Development Plan Document (adopted July 2012)* (MCS) and Policy 2.1 of the *Unitary Development Plan for the City of Manchester (adopted July 1995)* (UDP) support the provision of housing for people with additional support needs within residential areas, they seek to avoid an over-concentration in any one area that could lead to an unbalanced community and/or place disproportionate stress on local infrastructure such as health facilities.
 6. Further guidance on specialist housing is provided in the *Special Needs and Supported Housing Supplementary Planning Guidance (adopted April 1998)* (SPG). This identifies that the appeal site lies within a Category C Area, which is an area with below average provision but high “unsustainability” as measured by the Council Tax rebates and population turnover. In such areas the SPG states that proposals need careful consideration in the light of local circumstances, but could still be supported where there is clear evidence of unmet need. However, the SPG is based on data that is now 20 years old. Given the considerable changes that can take place in the social and economic characteristics of an area in that time, I give little weight to the SPG categorisation of the area.
 7. The appellant has submitted considerable evidence to show that there is a significant need for supported living accommodation within Manchester. This has not been disputed by the Council, who also acknowledge that in the wider area there is low provision of supported accommodation. However, the Council have argued that the proposal would have implications for the balance of the community in the immediate area. In particular they note that the proposal would result in four C2 uses in a row on Windsor Road, with the fifth building being used as a day nursery.
 8. Whilst this may be the case, the appeal buildings at present are a C1 use rather than family dwellings. As such, the proposal would not affect the residential character of the area, as the same proportion of properties on the street would still be family houses. Moreover, the occupiers of a C2 use are more likely to be stable and long term than if the buildings continued to be used for C1 purposes. Therefore, given the extant use of the building, I consider that the proposal would not impact on the character of the street or alter the balance of the local community.
 9. The evidence indicates that there are a number of GP practices in the area, as well as the site being located within 6.5 km of 2 large hospitals. Notwithstanding this, it is indicated that specialist medical care would be provided on site rather than by utilising GPs. Given this, and in the absence of any detailed evidence identifying any local shortage, I am satisfied that the proposal would not result in an unacceptable level of additional stress on health services. In addition, as there are a good range of local services and public transport in the area, I see no reason why the proposal would have a detrimental impact on these. If anything, spend by staff and residents would be likely to be beneficial to the local economy.
 10. Consequently, I am satisfied that the appeal scheme would not create an imbalance in the local community, nor would it undermine the existing residential character of the area, or result in disproportionate stress on local

services. As a result I consider the proposal would not be detrimental to the overall mix of housing in this part of Manchester. Accordingly there would be no conflict with Policy H10 of the MCS or Policy 2.1 of the UDP outlined above.

Other Matters

11. The site is located within Graver Lane Conservation Area, and as a result I have had special regard to the statutory duty to pay attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In this regard I note that the Council had no objection to the proposal. Whilst the scheme would require various internal alterations, there would be no external changes to the building. As such, it would have no impact on the appearance of the properties or the wider street scene. Moreover, as set out above, I have concluded that the proposal would not be detrimental the residential character of the area. I am therefore satisfied that the appeal proposal would preserve the character and appearance of the conservation area.
12. A number of concerns have been raised regarding the nature of use of the building, which I understand was initially incorrectly identified as being for Class C2a. However, as it has been clarified that the proposal is for supported living accommodation for adults with learning difficulties and other complex care needs, who will be supervised by carers at all times, I am satisfied that this is an appropriate use within a residential area.
13. Whilst I note the concerns raised by local residents regarding parking and other highway safety matters, the proposal would be provided with 22 off-road parking spaces which would be adequate for staff and visitors, and there is no objection to the proposal from the Highways Engineer. In the light of this, and my own observations on site, I am satisfied that the scheme would not be detrimental to highway safety.
14. Although it is stated that staff will be present at the site 24 hours a day, the operation of the home is unlikely to result in unacceptable levels of traffic, or other noise, either through the coming and goings of staff or in other respects. In addition, there is no firm evidence to indicate the proposal would lead to significant increases in litter or anti-social behaviour in the area, nor that it would lead to a loss of property values.
15. The quality of care provided in the proposed accommodation is a matter that would be monitored by the Quality Care Commission, as it is in any of other of the other facilities operated by the appellant. However, a condition can be used to ensure adequate security measures are provided. The other businesses the appellant is involved with, and the works carried out to trees on the site are not matters that are before me at this appeal.

Conclusion and Conditions

16. For the reasons set out above, I conclude the appeal should be allowed.
17. In addition to the standard implementation condition I have imposed a condition specifying the relevant plans as this provides certainty. In the interests of visual amenity, a condition is required to ensure that a satisfactory waste management strategy is provided and implemented, although as I consider it is adequate for this to be done before the development is first

occupied, I have altered the wording of the condition suggested by the Council to reflect this.

18. A condition to control the hours of deliveries and servicing is required to protect the living conditions of nearby residents. To ensure adequate parking is provided a condition is necessary to secure the provision of the parking areas before the development is first occupied. In the interest of the safety of the occupiers of the building a condition is required to ensure the development incorporates adequate security measures.

Alison Partington

INSPECTOR

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Malcolm House Existing Lower Ground Floor Plan Dwg No MH04; Malcolm House Proposed Lower ground Floor Plan Dwg No MH00; Malcolm House Existing Ground Floor Plan Dwg No MH05; Malcolm House Proposed Ground Floor Plan Dwg No MH01; Malcolm House Existing First Floor Plan Dwg No MH06; Malcolm House Proposed First Floor Plan Dwg No MH03; Fernside House Existing and Proposed Lower Ground Floor Plan Dwg No FH00; Fernside House Existing and Proposed Ground Floor Plan Dwg No FH01; Fernside House Existing and Proposed First Floor and Part Second Floor Plan Dwg No FH02; Fernside Stables Existing and Proposed Ground Floor Plan Dwg No FS0; Fernside Stables Existing and Proposed Ground Floor Plan Dwg No FS01; and Fernside Stables Existing and Proposed First Floor Plan Dwg No FS01.
- 3) No part of the development hereby permitted shall be occupied until a Waste Management Strategy, including a timetable for implementation, has been submitted to, and approved in writing by, the local planning authority. The Strategy shall be implemented in accordance with the approved timetable, and shall be so maintained whilst the business is in operation.
- 4) Deliveries, servicing and collections, including waste collections, shall take place only between the hours of 07:30 to 20:00 hours Monday to Saturday with no collections or deliveries on Sunday or Bank Holidays.
- 5) No part of the development hereby permitted shall be occupied until the parking areas shown on the plans approved under condition 2 to this permission have been surfaced, demarcated and made available for use. These areas shall then be available at all times whilst the site is occupied.
- 6) No development hereby permitted shall take place until a detailed security statement has been submitted to, and approved in writing by, the local planning authority. The statement shall include details of the security measures to be included in the development, including the specification of any new external fittings (windows and doors), the specification of glass within the external fittings, the provision of certified entrances including door viewers, the specification of the vehicle and pedestrian security gates, the controlled entry into the building, details of secure post boxes, the specification and positions of security lighting and the provision of internal and external CCTV. The development shall be carried out in accordance with the approved details, which should be entirely incorporated and installed prior to the first occupation of the any part of the development hereby approved, and shall thereafter be retained and appropriately maintained as long as the building is occupied.