

DELEGATED REPORT

Report by Helen Pressley	Date of report: 03/07/2025	Ref: 71828/FUL
Registration: 12/05/2025	LDfC: 05/06/2025	Expiry Date: 07/07/2025
Site Visit: 29/05/2025	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from dwellinghouse (Class C3) to children's residential care home (Class C2)

Location: 86 Cross Lane, Radcliffe, Manchester, M26 2RF

Description

The application relates to a terraced property located on Cross Lane. The premises directly front the highway and has an enclosed yard located to the rear that backs onto an adopted back lane. The dwelling is a 2no. bedroom property, with kitchen and lounge located at ground floor.

Planning permission is sought for a change of use from dwellinghouse (Class C3) to children's residential care home (Class C2). The proposal would be for 1 - 2 children, and at least one member of staff on site during the working day, and one member of staff on duty overnight, awake at all times and another person on call if required. The proposal seeks the retention of the ground floor accommodation, with the rear bedroom utilised for a child and the front bedroom utilised as an office/bedroom for staff.

Relevant Planning History

None

Publicity

Letters sent to neighbouring properties 13/05/2025. 1 objection received in relation to:

- The use of this property as a children's care home I completely object to, knowing the lack of care that was displayed previously.
- I have a young child who should not be frightened to be in his own home, due to the level of noise and violence that came from 86 Cross Lane.
- My child shouldn't be scared to play in his own back yard due to the complete lack of respect that we have witnessed previously.
- All of which was reported, with no such improvement. My husband works shifts. He shouldn't have to be going to work on lack of sleep, again purely because of the level of noise and violence that we have witnessed.
- I don't want to be constantly having to make repeat phone calls to the police again because of what we as a family are being subject to in our own home.

Statutory/Non-Statutory Consultations

Traffic Section - Do not wish to restrict the grant of planning permission

Waste Management - No response

Children's Commissioning Team - No response

Pollution Control - No response

Greater Manchester Police - designforsecurity - No response

Pre-start Conditions - Not relevant

Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
JP-P1	Sustainable Places
JP-S5	Clean Air
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
NPPF	National Planning Policy Framework
SPD13	Conversion of Buildings to Houses in Multiple Occupation
SPD11	Parking Standards in Bury
SPD6	Supplementary Planning Document 6: Alterations & Extensions

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle (Use)

The NPPF advocates the objectives to achieve sustainable development, one such objective is to support strong, vibrant and healthy communities by fostering well-designed and safe built environments with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Chapter 8 - Promoting healthy and safe communities, states that policies and decisions should aim to achieve healthy, inclusive and safe places which, amongst things, promote social interaction, are safe and accessible and enable and support healthy lifestyles. Account should also be taken to support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

UDP Policy CF1/1 - Location of Community Facilities gives regard to factors including impact on residential amenity, traffic generation and parking, scale and size of development, accessibility to shops and services, suitability of the chosen location, public transport and needs/requirements of those with a physical disability. This is supported by UDP Policy CF3 - Social Services that considers favourably proposals for the provision of new, and the improvement of, existing facilities for children, young and the elderly, those with mental health or physical and special needs, encouraged to live in the local community rather than in large institutions. Support for new and improved services is supported providing that there is no conflict with existing residential amenity and the environment.

Policy H3/1 - Assessing Non-Conforming Uses in primarily residential areas assess proposals, including the change of use, in consideration of factors including noise, vibration, smell, visual intrusion, traffic generation, parking arrangements and hours of operation.

Policy H4/2 - Special Needs Housing - seeks to support the provision of special needs housing recognising that specialist accommodation is needed for the most vulnerable members of society. Regard is given to factors including the convenience of location to shops, public transport and community facilities, location of health care facilities, gradient and accessibility to public transport, parking and amenity provision and high standards of design, layout and landscaping to achieve a satisfactory environment.

The Places for Everyone Joint Development Plan confirms within their vision for Greater Manchester that they seek to "A place where all children are given the best start in life and young people grow up inspired to exceed expectations." PfE Policy JP-H3 supports specialist housing for older households and vulnerable people. This is further supported by

PfE Policy JP-P1 that states that all development, where appropriate should be socially inclusive:

- A. Responding to the needs of all parts of society;
- B. Enabling everyone to participate equally and independently;
- C. Providing opportunities for social contact and support; and
- D. Promoting a sense of community.

The supporting statement submitted with the Planning Application confirms that the applicant has reviewed whether planning permission is required, however they consider that as the proposal is for children planning permission would be required.

The supporting statement confirms that the children would be at school during usual school hours. The statement also confirms that there would be at least one member of staff on site during the working day, with at least one member of staff on site over night. An additional person would also be on call if required. Individual risk assessments for children are completed by staff and social services. Building risk assessments are completed by management and staff.

Clearly, households can take many forms and the current dwelling could be occupied by a family of 2 - 3 persons. Furthermore, without planning permission, the dwelling could be utilised as a house in multiple occupation for up to 6 occupants.

Vehicle movements associated with the site would be limited, and moderated and by the existing on street parking within the vicinity of the site. It is considered that these are likely to relate to movements related to school attendance, and at weekends the children may have activities again with vehicle movements that would be anticipated in a standard family home of this size. The LPA acknowledges that staff may access and leave the property individually outside of these times, but the people and vehicle movements are again anticipated to be within the range expected of a residential property.

Given the above, and the potential alternative iterations for occupation of the dwelling, it is not considered that the proposed change of use of the dwelling would have a materially greater impact upon the character of the area. Occupants would engage in education, social and recreational activities as any child could when occupying the dwelling as a family home. The proposed use would provide a valuable facility for more vulnerable members of society and as such would be compliant with the above policies and the principles of the NPPF. Given the size of the property however, with only 1no. bedroom proposed for children the LPA would seek to restrict the occupation to a maximum 2no. children via condition. The principle of the development would therefore be acceptable.

Layout and Design

In addition to the policies set out above UDP Policy EN1/2 - Townscape and Built Design seeks to protect the character and townscape of the boroughs towns. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

No external changes are proposed. Internal alterations proposed are limited from changing an existing bedroom into an office for staff.

Amenity

In addition to UDP Policies H2/4 and H3/1, UDP Policy EN7/2 seeks to restrict development that would lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

No new openings are proposed. The change of use of a bedroom to an office would not create any undue loss of privacy.

It is acknowledged that a neighbour has objected to the proposal in terms of potential noise

however the proposal use be broadly in line with a family occupancy which would also generate a certain level of noise associated with family living. The proposed use would be required to be managed by an Ofsted registered provider. Control of Pollution Acts would also cover any potential noise nuisances at the site.

Highways and Parking

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. PfE Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

In the above circumstances and highlighted various occupancies set out above, it is not considered that the proposal would have unacceptable impacts on highway safety that would warrant or sustain an objection to the application. The access and parking arrangements remain unaltered from the existing use. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Carbon and Energy

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions.

There would be no physical changes to the property that would require compliance with building regulations.

Digital Connectivity

JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

The applicant has confirmed that the site would be provided with full fibre internet access.

Biodiversity Net Gain

While every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

The proposed change of use would occupy an existing building and therefore the de-minimis exemption applies.

Response to Representations

Children in care homes come from a wide range of backgrounds and experiencing a range of issues. With the proper safeguarding procedures in place, regulated by Ofsted and Children's services, it would be unreasonable to assume a child occupying the property is a danger to neighbours. Whilst the concerns about the proposed care home amongst residents are recognised to a point, the proposal has to be assessed on policies and material considerations.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

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 National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered Location Plan, 149370_sp 01A, 149370_sp 02A, 4237681 01A, 4237681 02A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 The premises to which this approval relates shall be used for residential care only to a maximum of 2no. children/young persons and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).
Reason. To ensure the intensification and scale of uses in the property does not extend beyond acceptable levels which could cause impact to residential amenity and highway safety in respect of the associated parking, access and servicing requirements or general activity and disturbance pursuant to policies EN1/2 - Townscape and Built Design, CF3 - Social Services, H4/2 - Special Needs Housing, HT2/4 - Car Parking and New Development, JP-P1 - Sustainable Places, JP-C5 Streets for All, JP-C6 -Walking and Cycling and JP-C8 - Transport Requirements of New Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 03/07/2025			