

DELEGATED REPORT

Report by Claire Booth	Date of report: 28/02/2024	Ref: 70379/FUL
Registration: 10/01/2024	LDFC: 01/02/2024	Expiry Date: 06/03/2024
Site Visit: 28/02/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	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 dwelling (Class C3) to children's residential care home (Class C2)

Location: 95 Rutland Drive, Bury, BL9 9DR

Description

The application relates to the northern end of a red brick, hipped roof, semi-detached property on the east side of Rutland Drive. The property is set on the southern stretch of Rutland Drive, close to its junction with Cornwall Drive.

The current property has an authorised Class C3 (Dwellinghouse) use. Planning permission is sought to change the use of the property to a children's residential care home. The proposal would provide medium to long term accommodation for just one child aged between 8-17 years of age.

With a home to accommodate just one child, the supporting Planning, Design and Access Statement states staffing levels are expected to consist at any one time of two full time staff members, with additional staff only present at changeovers for around 30 minutes. A part-time home manager would also be expected to spend some time at the property.

The existing property contains three bedrooms at present. One of these would be used as the child's bedroom, one would be utilised as a staff office and the third would serve as a staff sleep-in room.

There would be no changes to the access or driveway which provides 2 parking spaces and the rear garden would continue to provide the amenity space for the property.

Relevant Planning History

32056: Demolition of existing flats and creation of 81 new dwellings, co-op offices and 8 refurbished flats with associated parking, access, landscaping and ancillary works, Approved with Conditions, 27/06/1996.

20466: Environmental Improvements and Landscaping. Approved with Conditions, 14/01/1988.

Publicity

21 nearby neighbours have been notified by letter and invited to make representations.

No representations have been received during the consultation period or by the date of writing this report.

Statutory/Non-Statutory Consultations

Traffic Section - No objections

Waste Management - No comments or recommendations received.

Greater Manchester Police - designforsecurity - No objections.

Environmental Health - Pollution Control - No objections.

Children's Centres & Early Years - No comments or observations received.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

CF1/1	Location of New Community Facilities
CF3	Social Services
CF3/1	Residential Care Homes and Nursing Homes
CF5	Childcare Facilities
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
H4/2	Special Needs Housing
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
NPPF	National Planning Policy Framework

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) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF or the Joint Places for Everyone Plan, 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.

Policies

Chapter 8 of the National Planning Policy Framework relates to promoting healthy and safe communities. Paragraph 92 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- promote social interaction, including opportunities for meetings between people who might otherwise come into contact with each other.
- are safe and accessible, so that crime and disorder, and fear of crime, do not undermine the quality of life or community cohesion.
- enable and support healthy lifestyles.

UDP Policy CF3 - Social services considers favourably proposals for the provision of new, and the improvement of, existing facilities including children and young people, 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.

UDP Policy CF3/1 - Residential Care Homes and Nursing Homes should be located in residential areas and will be permitted where they do not conflict with the amenity of adjoining areas.

Principle of Development

The application relates to a 3 bed semi-detached property in an established residential estate with the proposal to provide living accommodation for a child in care which would function as a 'typical' family home to provide a safe and secure environment.

The expressed ethos of the facility intends that the occupation and the use of the property by children and support carers for daily living purposes would be comparable to that of a family home and family environment. The property would not be extended or altered and the number of occupiers at any one time (4/5) would be akin to that of a family.

The property is located within an established residential estate which is close to shops, local amenities and schools and it is therefore considered the location of the proposed use would be suitable for the proposed use.

The applicant and the use would be regulated by Ofsted with the condition that there would be no more than 1 child, age 7-17 years old in care at any one time.

It is therefore considered that the proposed use would make a positive contribution to the care and protection of children/young adults residing at the premises and as such considered to be acceptable in principle and comply with UDP Policies EN1/2, CF3 and

CF3/1 and the principles of the NPPF.

Scale and intensification of use

In this case, the planning judgement is whether the change of use would significantly impact the immediate area or change the character and perception of the property as a dwellinghouse in terms of the scale and intensification of the proposed use.

Households can take many forms and in terms of occupation of the current dwelling, this could be occupied by 4 family members. Furthermore, without planning permission, the dwelling could be utilised as a house in multiple occupation for up to 6 occupants.

This application seeks to accommodate a single child and a maximum of 2 no. staff during the day, with two staff members in the evening/overnight and at weekends.

The supporting information sets out that the children would occupy the dwelling in a manner that would not be materially different to how a family would occupy it. The child would have their own bedroom and the use of the communal spaces (e.g. kitchen/lounge/garden) would be shared between the child and staff caring for them.

In terms of the arrangements of shift changeovers, the applicant has submitted a typical shift rota, where there would be a staff cross-over every 48 hour period. The only other arrival and departure would be the manager on weekdays, arriving at 9am and leaving at 5pm.

Trips such as journeys to work, extracurricular activities and routine chores are generally representative of a typical family household where there could be 2 parents leaving for work, school drop-offs and all the other comings and goings during the week which are part of daily life.

The attendance and visits by social workers/support workers would introduce additional but fairly irregular trips, and no more frequent than visits made by a family's relatives or friends for example.

It is important to note that the suitability of the property would be fully assessed in order to match the types of residents that could reside there, and this is heavily monitored by Ofsted. Factors would include nature of the surrounding community, skills and experience of the manager and staff team, proximity to other residential care homes etc.

Due to all of the above, it is considered that the scale and intensification of the proposed change of use would be limited and would not have an adverse or detrimental impact on the character or the amenity of the surrounding area or adjacent properties and would comply with UDP Policies EN1/2, CF3 and CF3/1.

A number of uses fall under the umbrella of Use Class C2 (residential institutions), including a hospital or nursing home, residential school, college or training centre. The size of the property and the existing parking and access may be sub standard compared to other uses falling within Use Class C2 and as such it is considered reasonable to control the use for a residential care facility only at the scale proposed. An appropriate condition to this effect is therefore recommended.

Layout

The proposed layout would not fundamentally change from the current arrangements and there would be no physical alterations to the property.

The existing dwelling has a driveway and parking for 2 cars which would be maintained.

At the rear is a garden and there is ample room for bin storage and there would be no requirement for any additional provision beyond that already accommodated within the

curtilage.

Internally, the only change would be to change the use of a first floor room to an office area for staff. Conversion of an internal space to living/bedroom accommodation does not require planning permission and could be carried out at any time and by existing or future occupiers if its use continued as a C3 dwelling.

For all intents and purposes, the property would continue to have the character and appearance of a passive suburban dwelling and there would be no detrimental impact on the street scene or residential character of the locality.

As such, it is considered the proposed layout would comply with UDP Policies EN1/2, H4/2, CF3 and CF5.

Impact on residential amenity

As already discussed, it is considered that the character and scale of the proposed use would be consistent with that of a family household occupying the existing property. The property would be accommodated by a cared for child and occupied by caring adults (staff) in a manner that would not be materially different to how a family would occupy a dwelling. Moreover, the transition of staff, trips to and from the property, and any visitors to the house would be commensurate with family households and family lifestyles.

The Police have raised no objections and no representations have been received from the Council's Children's Services directorate. As such, there is no evidence to suggest this particular user and proposal should not be supported or that the development would increase the rates of crime or disorder.

It is therefore considered that the proposed development would not conflict with the character of the area or have an adverse impact on the amenity of local residents and would therefore comply with UDP Policies CF1/1, CF3, EN1/2 and EN7/2.

Parking and Highway Safety

The property has two off-road parking spaces.

In terms of staff rotations, during the week there would be 2 members of staff on site working a 24-hour shift. There would be an approximately 30 minute change over time when the shift changes.

The running of this care home would be undertaken as close as possible to that of a normal dwellinghouse. Any staff training or meetings would generally take place off-site and the child would also visit health care professionals off-site as per a normal family operation (i.e. doctors, dentists, etc.). As well as the child being placed in the local schools in the catchment area, they would also utilise services and facilities in the surrounding area. be dissimilar to the general functions and daily living behaviours of typical households.

With the proposal to accommodate just one child within the home/ property, staffing levels are expected to consist at any one time of two full time staff members, with additional staff only present at changeovers for around 30 minutes. A part-time home manager would also be expected to spend some time at the property.

Visitors delivering therapeutic services or undertaking statutory inspections would also occasionally come to the property (social workers, Ofsted inspectors etc), but the frequency and duration of these visitors would be no different (and in fact probably less frequent) to those received at a normal dwelling.

The site is also in a sustainable area where there is access close by to bus services and therefore reasonable to consider that some staff members may travel by public transport.

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 and the Traffic Section have not objected to the proposal.

Parking on the surrounding streets is largely unrestricted. The scale of the development proposed would be commensurate of family living and it is therefore considered the proposed use would not have a significant impact on the impact on parking in the area, the free flow of traffic or cause highway issues. As such, the proposed development is considered to be acceptable and would comply with UDP Policies CF1/1, CF3, HT2/4 and HT6/2.

Conclusion

Overall the proposal represents policy-compliant development and would provide a suitably inclusive and good quality provision for a looked after child within the area. The function of the property would outwardly remain the same as a standard domestic dwelling and would provide looked-after children with the best possible chance to integrate into the community and the proposed use, for one child, cared for by two full-time members of staff, would not cause any demonstrable harm to the amenity of neighbouring residents, highway safety or the character of the residential area in which the site is set. It is therefore recommended that the application be approved, subject to the condition recommended within this report.

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 permission relates to the following plan(s):

Drawing no. 119-01-02A Rev. A: Proposed (contains Location Plan), except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 3 The children in care to be accommodated at the property hereby approved shall be between the ages of 7-17 years only and there shall be no more than 3 children residing at the property at any one time.

Reason. To ensure the appropriate provision of facilities and standards of accommodation are provided for future occupiers and to ensure the use of the property is not over intensified to unacceptable levels which would incur additional activities and disturbances to local residents beyond that which would be accepted

for a residential dwelling in a residential area pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, CF3 - Social Services and CF3/1 - Residential Care Homes and Nursing Homes.

- 4 The premises to which this approval relates shall be used for residential care only 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 and HT6/2 - Pedestrian/Vehicular Conflict of the Bury Unitary Development Plan.

<u>Case Officer</u> CB 28/2/23	<u>Date</u>	<u>Sign off Officer</u> DM 28/2/24	<u>Date</u>
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