

DELEGATED REPORT

Report by Claire Booth	Date of report: 14/05/2025	Ref: 70942/FUL
Registration: 15/07/2024	LDfC: 13/08/2024	Expiry Date: 09/09/2024
Site Visit: 16/08/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from dwelling (Class C3) to a Children's Residential Home (Class C2) for up to 2 children, aged 8-18 years old, including the conversion of the existing garage into an office and store

Location: The Poplars, 1 Brandlesholme Road, Bury, BL8 1HR

Description

The application site relates to a 4 bedroom traditional stone under a slate roof detached house, formerly two stone cottages, is set on Brandlesome Road between a Recreation Ground and Brandlesholme Community Centre. It sits adjacent to Brandlesholme Road Neighbourhood Centre, as allocated within the adopted Development Plan.

Planning permission is sought to change the use of the dwelling to a children's residential home accommodating 2 no. children (Use Class C2), aged 8 - 18 years old and for the conversion of the existing garage into an office, laundry and store.

Initially the proposals sought to also erect a ground floor extension projecting from the principal elevation. This aspect has been removed from the proposals due to the extension failing to assimilate with the principal elevation either in scale, form and detailing and it would have undermined the existing character of the building.

The proposals have therefore been amended during the course of the application to remove this harmful extension and to propose the following external alterations:

- Alteration of the ground floor of the front elevation of the dwelling by blocking up an existing door and altering one of the ground floor windows to create an accessible door.
- Alterations to the front elevation of the garage to create two windows and one door.
- Install railings to the roadside boundary of the site
- Relocation of bin storage provision to the rear of the house
- Parking and Turning Provision to the rear of the property for 3 cars

The submitted Planning Statement states that is anticipated that the proposal would employ 7 staff in total, including a manager, deputy manager, key workers. The Shift patterns are 2 days on, 4 days off. The 2 days on will include on site sleep in thus there would be a minimum of two staff at any given time.

Relevant Planning History

None applicable

Publicity

The application has been publicised by Site Notice and three neighbouring property have been consulted by letter.

No objections have been received as a result of this publicity.

Statutory/Non-Statutory Consultations

Traffic Section - Subject to the amended plans raises no objections.

Waste Management - No comments or observations received.

Environmental Health - Pollution Control - No comments or observations received.

Greater Manchester Police - designforsecurity - No objections.

Children's Commissioning Team - No comments or observations received.

Greater Manchester Ecology Unit - No comments or observation received.

Pre-start Conditions - Not applicable.

Development Plan and Policies

CF1/1	Location of New Community Facilities
CF3	Social Services
H3/1	Assessing Non-Conforming Uses
H4/2	Special Needs Housing
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
JP-P1	Sustainable Places
JP-H3	Type, Size and Design of New Housing
JP-P2	Heritage
SPD11	Parking Standards in Bury
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), 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.

ASSESSMENT

Principle of Development

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.

UDP 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.

UDP 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 "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 proposal relates to a detached 4 no. bedroom family dwelling located within a well-established residential area. The application proposes to provide living accommodation for 3 children in a setting that would be as close to a family environment as practicable. The property would not be required to be extended. The residents (i.e. the children) and 2- 3 staff would occupy the dwelling in a manner broadly akin to occupation by a family.

Given the above, 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. The principle of the development would therefore be acceptable.

Design, Layout and Visual Amenity

The property was historically two traditional stone cottages. The principal elevation of the two cottages is therefore clearly legible. Whilst the two cottages are not listed, or locally listed, the building clearly has some historical value.

The proposed external changes to the front elevation of the detached property would result in the loss of a historic doorway from the cottage that was/ is closest to Brandlesome Road. The plans indicate that this former front doorway would be bricked/ stoned up. Provided the stone head and door jambs are retained and the materials used to infill the historic doorway, which can both be secured through a suitably worded planning condition, the proposed external alteration would not be demonstrably harmful.

In respect of the changes to the proposed garage, this seems to be of substantial construction and the proposed changes to the front elevation are considered to be suitably designed for a domestic outbuilding.

During the course of the application the submitted plans have been amended as follows:

1. Removal of a front extension
2. Blocking up of the historic front door of one of the former cottages
3. Dropping the cill on the ground floor window of one of the former cottages and insert a door to ensure accessible access is provided.
4. The proposed Bin Store has been moved to the rear of the site
5. The proposed Parking layout has been altered to remove 1 car to facilitate sufficient turning and manoeuvring space.

The building, whilst altered, would continue to retain the character and appearance of the former two cottages and would provide a suitable area to the rear of the property for car parking provision and some amenity space. As such, it is considered the proposed layout would comply with UDP Policies EN1/2, H2/2, H4/2, and CF3 and PfE Policy JP-P2.

Impact on residential amenity

The application site sits between Brandlesholme Community Centre and the Recreation Land associated with the Community Centre which also extends behind the rear of the property. The application property is also sited diagonally opposite two residential properties located on the opposite side of Brandlesome Road on either side of the junction

of Burrs Close.

It is considered that the character and the scale of the use would be consistent with that of a family household occupying the existing 4 bedroom detached dwelling. The applicant states the operation of the Home is designed to mimic the rhythms of a normal family home, with minimal expected disruption to the local environment. Each child would have their own bedroom and communal spaces (e.g. kitchen/dining room/lounge) would be shared between occupants. Changeover between staff would occur twice a day and would entail the transition of two staff morning and evening. A Home Manager would be in attendance during typical office hours.

Clearly, households can take many forms and the current dwelling could be occupied by a family of up to around 6 individuals (possibly more if the garage was converted to be ancillary accommodation). Furthermore, without planning permission, the dwelling could be utilised as a house in multiple occupation for up to 6 occupants without needing to obtain planning permission. This provides a strong fall back position for this application.

It is considered that the proposed change of use of the dwelling would not have a materially greater impact upon neighbouring amenity. Occupants would engage in education, social and recreational activities as any child could when occupying the dwelling as a family home. It is therefore considered that the proposal would not conflict with the character of the area or have an adverse impact on the amenity of local residents. Given the above, the proposal would therefore accord with the relevant parts of UDP Policies CF1/1, CF3, H2/2, H3/1, EN1/2 and EN7/2.

Highways issues

Supplementary Planning Guidance (SPD) note 11 - Parking Standards in Bury sets a maximum standard for type of C2 care home at a rate of 1 space per 4 beds. Applications are to be assessed on their own merits and in consideration of their location and nature of intended occupation.

The proposal is not for sheltered housing (which is accommodation for elderly or disabled people consisting of private independent units with some shared facilities), therefore the applicable parking standard in SPD 11 are those attributed to care homes (Use class C2). Thus, the applicable standard is 1 space for every 4 beds. The applicable standard for 4 bedroom dwellings is a maximum 3 spaces.

This will be a 4 bedroom house and therefore 3 spaces will be required. It is recognised that the children will unlikely drive and whilst at least two members of staff will be present in the property at all times, the 3 spaces shown are considered satisfactory to serve the staff and manager.

The Council's Traffic Section does not object to the proposal subject to the refuse storage provision proposed being put in place and the amended boundary treatment being implemented. Planning conditions are therefore recommendation.

SPD 11 indicates that cycle storage provision should be provided for two bicycles. There is room within the curtilage for this to occur, therefore this could be secured by condition and is thus duly recommended.

In such circumstances, it is not considered that the proposal would have unacceptable impacts on highway safety that would warrant or sustain an objection to the application. Paragraph 116 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.

It is recommended that a condition is imposed to restrict occupation of the property to residential care only and no other purpose within the broader definition of Use Class C2.

Biodiversity

This application is supported by a Bat Survey Report (preliminary day-time survey) by Angela Graham Bat Consultancy, dated 27/08/2024.

The report advises that whilst the property is in an area where the presence of bats could be moderately high, this amalgamated pair of old stone cottages, along with its detached garage, were surveyed prior to change of use of the building to a Mother and Baby unit.

There was no evidence to suggest bats have been present in the loft of the house and the garage has been partially re-roofed.

The survey concludes that internal works to the house can take place without additional bat survey work being required. It states the roof is in good repair except for two potential access points. Whilst it recommends that further survey work is required before any remedial works or re-roofing works take place, this application is seeking no changes to the roof or the loft space within the house. Therefore an informative will be imposed reminding the applicant of the recommendations of the bat survey and informing them of the legal requirements regarding birds and bats.

CONCLUSION

The development has been assessed as not having any unacceptable impacts upon bats/ biodiversity, the amenity and safety of neighbours, visual amenity or highway safety. Given the above, the proposal would be compliant with the above stated UDP policies, policies within the Greater Manchester Places for Everyone Plan and the NPPF. It is also considered the legibility of the property, historically as two stone cottages, will be retained for future generations to see. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits conditional approval.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 plans:

Drawing: Location Plan;

Drawing no. ZT24-196-01 Rev.D: rec. 08 May 2025: Existing and Proposed Site Layout Plan;

Drawing no. PCE-Scott-June-24-Layouts Rev. 22/10/2024: Existing and Proposed Floor Plans;

Drawing no. PCE-Scott-June-24-elevations Rev. 22/10/2024: Existing and Proposed Elevations;

Drawing no. PCE-Scott-June-24-roof layouts Rev. 25/10/2024: Existing and Proposed Roof Layout; and,

Drawing no. PCE-Scott-June-24-detached garage: Existing and Proposed Detached Outbuilding

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 existing doorway to be infilled shall be infilled with local natural matching stone and the existing stone door jambs, header and cill shall be retained.

Reason. In order to retain the legibility of the front elevation of the building which was formerly two cottages in alignment with the aims of the Greater Manchester Places for Everyone Joint Development Plan Policy JP-P2: Heritage.

- 4 The car parking and bin storage shown on drawing no. ZT24-196-01 REV D shall be constructed in accordance with the details indicated on the approved plans and made available for use before the use] hereby approved is first occupied. The duly constructed parking and bin storage provision shall be retained as such thereafter.

Reason. To ensure adequate off street car parking provision in the interests of road safety and to ensure the provision of satisfactory facilities for the storage of refuse in the interests of visual amenity in accordance with the requirements pursuant to Policy HT2/4 - Car Parking and New Development, EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan and Policy JP-C8: Transport Requirements of New Development of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the building shall be used for children's care home accommodating 2 no. children only purposes (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) only, and for no other purpose (including any other use which falls within use class C2 of the same Order or any equivalent Order following the revocation and re-enactment thereof, with or without modification).

Reason. To restrict the use of the building to an operation which is compatible with the nature of surrounding uses and to prevent future changes of use which have the potential to detract from the character of the area and neighbouring dwellings pursuant to UDP Policy H3/1 - Assessing Non Conforming Uses .

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB 14/5/25		DM 14/5/25	