

PLANNING STATEMENT

SITE:

78 Trimmingham Drive

DATE:

September 2022

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1. INTRODUCTION

BRIEF

- 1.1 This application is submitted on behalf of Orchid Care Limited (hereafter referred to as “the applicant”) in respect of a Change of Use planning application at 78 Trimmingham Drive, Bury, BL8 1EL from the existing C3 residential use to a C2 residential care use. This proposal includes conversion of the integral garage to living accommodation, which would otherwise comprise permitted development for a householder.

BACKGROUND

- 1.2 This application is made by Orchid Care Limited who are a Children’s residential care business. By way of brief background, the operators of Orchid Care Limited also operate a well-established elderly/dementia care home in the north west (Lumb Valley Care Home). They therefore have a background in specific care provision. Their existing elderly/dementia care home is registered with CQC and has consistently achieved a rating of Good with CQC for the last 15 years. They were awarded in the top 20 care homes in the north west in 2015/2018. The operators have appropriate qualification in Social Care and Management, they and their staff are trained in safeguarding, challenging behaviour, moving and handling and risk management.
- 1.3 Their vision in providing this care home is to achieve the best possible outcome for all children regardless of their background, providing them with opportunities, feeling loved and valued as key members of the community and preparing them for adulthood, nurturing them with life skills.
- 1.4 The care home will be decorated and maintained to the same high standard as the operator’s individual homes and the young people will enjoy life experiences of living in a family, as far as is possible.
- 1.5 The application site comprises a detached two storey dwelling located on Trimmingham Drive, Bury. The immediately surrounding area is predominantly residential.
- 1.6 According to the adopted Local Plan Proposals Map the site falls within the built up area and is not specifically allocated for any type of use/development. It is therefore the case that the presumption in favour of sustainable development applies in this circumstance and development should be approved without delay.

PURPOSE

- 1.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate

otherwise. The purpose of this Planning Statement is as follows:

- To describe the site and surrounding area.
- To identify any statutory or local planning-related designations affecting the site.
- To provide details of the scheme that is being brought forward.
- To consider the proposed development having regard to the provisions of the Development Plan.
- To consider any other material considerations.

1.8 This document should be read in conjunction with the suite of documents submitted in support of the change of use planning application.

2. THE SITE & SURROUNDING AREA

SITE LOCATION

- 2.1 The application site is located within a residential area to the north of Bury.
- 2.2 A site location plan extract is provided below:



Figure 2.1 Site Location Plan with approximate location of site outlined in red – not to scale.

SITE DESCRIPTION

- 2.3 The site comprises a two storey detached family home, with private driveway and a good sized rear garden. The dwelling takes access directly from Trimmingham Drive.
- 2.4 The property is entirely surrounded by other residential properties.

ACCESSIBILITY

- 2.5 The site is accessed from Trimmingham Drive. This would be maintained.

LOCAL SERVICES

- 2.6 There are a small number of local services in close proximity to the site on Brandlesholme Road, including a Tesco Express and hot food takeaways.
- 2.7 In addition, there is also a primary school within walking distance of the site, Woodbank Primary School.
- 2.8 There are bus stops within 400m of the site on Hunstanton Drive, these provide services to Bury town centre and Peel Brow.

SUMMARY

- 2.9 In summary, this site is located in a predominantly residential area with good access to services.
- 2.10 The site is located in close proximity to the bus network, making it a highly sustainable site from an accessibility point of view.

3. STATUTORY AND OTHER DESIGNATIONS

HERITAGE DESIGNATIONS

- 3.1 The application site does not include any listed buildings and is not within a Conservation Area. There are no Scheduled Ancient Monuments within the site boundaries and the site is not within a designated World Heritage Site.

FLOOD RISK AND DRAINAGE

- 3.2 The site falls within Flood Zone 1; it is therefore not at risk of flooding.

PUBLIC RIGHTS OF WAY

- 3.3 The site is not subject to any public rights of way.

ECOLOGY

- 3.4 The site is not subject to any statutory ecology related designations; there are no National Nature Reserves, Special Area of Conservation, Ramsar sites or Special Protection Areas within 1km of the site.

TREES

- 3.5 There are no TPOs within the site.

SUMMARY

- 3.6 In summary, the site is not constrained by any local, regional or national statutory or non-statutory designations that would preclude its development in the manner proposed.

4. THE PROPOSED SCHEME

DESCRIPTION OF DEVELOPMENT

- 4.1 This application seeks the change of use of an existing four bedroom detached dwelling (Use Class C3) to a residential care home (Use Class C2). No extensions are proposed to the property, however it is proposed to convert the existing integral garage to provide a study area within the property.
- 4.2 To the ground floor the property accommodates a large communal lounge and dining area, a good sized kitchen with separate utility, a snug, a study and a downstairs w/c. Meanwhile, upstairs there are four bedrooms, one with an en-suite, and a separate family bathroom.
- 4.3 There would be no changes to the access to the dwelling. The existing driveway would remain providing ample parking for staff and visitors.
- 4.4 Essentially the property would operate as any normal residential dwelling. This is a family sized home; the care home would accommodate a maximum of 4 residents with a minimum of 2 members of staff present at all times (and a maximum of 3 when the Home Manager is present or at handover times). Thus, amounting to a maximum of 7 persons (4 children, 3 adults), this is broadly commensurate to what you might expect with a 4 bedroom family home.
- 4.5 The applicant will be legally bound to this under their registration and therefore there would be no circumstances in which more than 4no. children would reside at the property. This includes cases of emergency. As such, there will be a legal limit of 4no. children at the dwelling. This is consistent with the applicant's usual operations.
- 4.6 The residents of the care home would be aged between 11-16 years and would be in full time education. Depending on the suitability of local schools residents would attend local schools or there is the potential for home tuition. In terms of travelling to and from school or other activities residents will travel in one vehicle.
- 4.7 Staff would work shifts; these would generally comprise of 2 shifts during the day and one overnight shift. Two members of staff will be present at all times. Staff work on rota, completing a double shift and an overnight stay. Shifts start at 7:45am, those staff arriving at that time will finish work the following day. Meaning there is one handover per 24 hour period. Therefore, new staff arrive at 7:45am whilst the previous day's staff will leave by 8:15am. Meaning there is a 30 minute window for the staff handover. In addition, the Home Manager will attend the property, their working hours are 9am-5pm as such they do not crossover with the handover.
- 4.8 This is an existing family home; the proposed use is consistent with that of a 'normal' functioning family. Any visitors to the dwelling will be consistent with such a use. Friends and family visits will be in line with the usual parameters that one would expect of a six person family home. Indeed,

they could in fact be less given its quite possible for a property such as this to have teenage/young adult children with their own cars etc.

4.9 Social workers visits are pre-arranged at all times, bi-monthly. The frequency of this again is not considered to be an issue or concern and is consistent with a usual family home and associated visitors/family/friends.

4.10 There are no planned medical staff attendances to the home because the home does not cater for young people with a physical disability. Formal meetings generally take place away from the home. As such, any visitors to the house could easily make use of the existing large driveway. The Council are encouraged to undertake a site visit to see first-hand the capacity and space available at the property. This is considered to be more than ample for this family home.

5. THE DEVELOPMENT PLAN

INTRODUCTION

- 5.1 Paragraph 2 of the National Planning Policy Framework (NPPF) refers to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and states that:

“Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”

- 5.2 The adopted Development Plan for Bury comprises the saved policies of the Unitary Development Plan (UDP) which was formally adopted in August 1997. The revised NPPF, adopted in July 2018, is a material consideration for development management purposes, along with the emerging Development Plan and the emerging Greater Manchester Spatial Framework (GMSF).

BURY UDP

- 5.3 The UDP acts as a guide for the future development or protection of land in the Borough. It does not contain any specific or directly relating policies that govern a change of use like the one proposed herein. It does however, promote the provision of a variety of house types and accommodation to meet the needs of residents of the Borough, including the provision of Special Needs Housing.
- 5.4 Policy H4/2 sets out that Special Needs Housing should be conveniently located for shops and services and should provide the necessary car parking and amenity space required for such uses. The application site herein is within walking distance of a number of local services, including a primary school, local shops and eateries. Furthermore, there are bus stops within 400m. The property itself has ample off road parking by way of a driveway, which is of sufficient size and there is a good sized rear garden. This property would provide a positive living environment for residents akin to a family home, this is important for the type of care needed and given at properties such as this. It is important for residents to feel at home in a comfortable and ‘normal’ environment.
- 5.5 Policy CF3 – Social Services – sets out that the Council will consider favourably proposals for the provision of new and improved social services and facilities for children, young people, elderly people and people with mental and/or physical handicaps or illnesses. In the justification for this policy the UDP notes that where possible, people will be encouraged to live in the community rather than in large institutions. This application seeks to do exactly that, providing residential accommodation and care in the form of a family dwelling in an existing community. This type of environment works well for children’s development in care homes and should therefore be

supported.

- 5.6 Policy CF3/1 Residential Care Homes and Nursing Homes – this policy states that these will be located in residential areas and will be permitted where they do not conflict with the amenity of adjoining areas. This application proposes a small scale residential care home within a residential area. The property will essentially operate in the same way as a family home, with 4 children and 2/3 members of staff/adults, much the same as a family home. This would be regulated by OFSTED and indeed inspected by the LPA's Children's Services Section. The size of the proposed household, therefore would not go beyond what would be expected of a family of 6 residing in a 4 bedroom property. There would therefore be no impact on the amenity of adjoining neighbours over and above the usual impact of having residential neighbours. The property will have a minimum of two members of staff present at all times, i.e. 24 hours a day.
- 5.7 To all intents and purposes the scale of the development and the daily routines of the occupiers would operate the same as a family home. As such, the proposal would not change the character of the area or intensify activities at the site beyond that of a 'typical' household.

SUMMARY

- 5.8 The change of use would be entirely acceptable and in accordance with Local Plan policy.
- 5.9 It has been demonstrated above that the proposed development complies with the provisions of the Development Plan. Commensurate with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the application should be approved unless material considerations indicate otherwise.
- 5.10 We now go on to discuss other material considerations relevant to the determination of the subject application in Chapter 6.

6. OTHER MATERIAL CONSIDERATIONS

INTRODUCTION

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

“In principle...any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances” (Stringer v MHLG 1971).

- 6.2 Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned (*R v Westminster CC ex-parte Monahan 1989* refers).

- 6.3 In this case the following material considerations are relevant.

NATIONAL PLANNING POLICY & GUIDANCE

- 6.4 The National Planning Policy Framework (NPPF) was revised in July 2021 and sets out the Government’s planning policies for England and how they should be applied.

STATUS

- 6.5 Paragraph 1 of the Framework states that:

“The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied.”

- 6.6 Paragraph 8 of the NPPF defines ‘sustainable development’ and states it has:

“three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so opportunities can be taken to secure net gains across each of the different objectives):

- *An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- *A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present*

and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and supports communities' health, social and cultural well-being; and

- *An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources and prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.*

6.7 Paragraph 130 states that planning policies and decisions should ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

CONCLUSIONS

6.8 Taking into account the planning policy and guidance at a national level and the other material considerations, the proposals would comprise high quality, sustainable development and should be approved without delay.

7. SUMMARY OF BENEFITS AND CONCLUSIONS

- 7.1 This application is submitted on behalf of xx ("the applicant") in respect of a Change of Use planning application at 78 Trimingham Drive, Bury from the existing C3 residential use to a C2 residential care use. There would be no extensions to the property, however the existing integral garage is proposed to be converted to provide a study space.
- 7.2 The site is not constrained by any local, regional or national statutory or non-statutory designations that would preclude its development in the manner proposed.
- 7.3 The proposals are in a sustainable location, in close proximity to the road network and bus network, making it a highly sustainable site from an accessibility point of view.
- 7.4 There are no technical reasons why the proposed change of use cannot be allowed.
- 7.5 This proposal would enable a small scale care home facility to be provided in a residential area. The property will essentially operate in the same way as a family home, with 4 children and 2/3 members of staff/adults, much the same as a family home. There would therefore be no impact on the amenity of adjoining neighbours over and above the usual impact of having residential neighbours. The property will have a minimum of two members of staff present at all times, i.e. 24 hours a day. This type of environment works well for children's development in care homes and should therefore be supported.

THE PLANNING BALANCE

- 7.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:
- "where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".*
- 7.7 This is a scheme that has clearly been shown to be compliant with the provisions of the Development Plan and those material considerations identified also support the proposed development.