

DELEGATED REPORT

Report by Claire Booth	Date of report: 24/03/2023	Ref: 69253/FUL
Registration: 01/02/2023	LDfC: 24/02/2023	Expiry Date: 29/03/2023
Site Visit: 08/02/2023	Site Notice: N/A	Press Date: 09/02/2023
09:30:00		
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of existing residential dwelling (Class C3) to children's care home accommodating 4 no. children (Class C2)

Location: Hillcrest, Philips Park Road West, Whitefield, Manchester, M45 7TW

Description

The application site relates to a large detached house set in extensive grounds, accessed at the western end of Philips Park Road West, a Public Right of Way, Footpath Reference Number 39WHI.

The site is in an isolated rural location at the end of Philips Road West and is surrounded by countryside and woodland. The property has a number of outbuildings, two of which have been converted to residential annexe accommodation.

The site is located within the boroughs allocated Green Belt, River Valley and a Wildlife Link or Corridor areas. Wrapping around the north and west of the residential curtilage of the property is Ringley Woods Site of Biological Importance. To the north-west of the site is the M60 motorway.

Planning permission is sought to change the use of the dwelling to children's care home accommodating 4 no. children (Use Class C2) and 3 no. members of staff. The outbuildings, including the buildings marked as annexe accommodation, are not proposed to be used.

Relevant Planning History

38244: Demolition of garage and outbuilding and construction of ancillary accommodation on the same footprint - Approved with Conditions, 26 November 2001.

36851: Rebuilding and first floor/ single storey extensions at rear – Approved with Conditions, 07 February 2001.

Publicity

As the access track to the property is a Public Right of Way, the application has publicised by both a Site Notice erected close to the entrance of the site and by Press Notice, within the Bury Times.

No representations have been received to this formal public consultation.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the PROW being kept clear.

PROW - No objections, subject to the PROW being kept clear.

Waste Management - No comments or observations received.

Conservation Officer - No objections, but notes the property is a non-designated heritage asset.

Children's Centres & Early Years - No objections.

Greater Manchester Police - designforsecurity- No objections.

Planning Policy - No comments or observations received.

Environmental Health - Pollution Control - 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
H4/2	Special Needs Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
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) and 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 Policy 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 site is located within the adopted Green Belt. The proposed re-use of the existing building meets one of the exceptions to 'inappropriate development set out under Paragraph 150 of the National Planning Policy Framework (NPPF) and is therefore an acceptable form of development in the Green Belt.

Moving on, 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, of the NPPF 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.

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.

Policy CF3 - Social Services 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 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 application proposes to provide living accommodation for children in a setting that would be as close to a family environment as practicable. The property would not be required to be extended and permanent residents (i.e. the children) and support carers would occupy the dwelling in a manner broadly akin to occupation by a family. Whilst the site is somewhat divorced from the main built form of Whitefield, it is still within walking distance of services and amenities via the public right of way running alongside the property, the location of the development will lead to the well-being of future residents being increased given its rural location and the tranquility such surrounding would bring. The Council's Children's Services department have raised no objections to this application and therefore the location of this development. The principle of the development would

therefore be acceptable. 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 UDP policies and the principles of the NPPF.

The use proposed falls within Use Class C2. No planning permission is required to move from a use within Class C2 to another use within Class C2. Class C2: 'Residential institutions' incorporates uses such as residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. Moving on, with prior approval Class C2 uses can change to either a state funded school within Use Class F1 or a day nursery within Class E.

It is likely that none of the above mentioned uses would be supported in this location therefore, a condition is recommended restricting the use of the property to that applied for only.

Design and Visual Amenity

No external alterations to the dwelling are proposed or the existing outbuildings. The building would therefore continue to retain the character and appearance of the dwelling. As such, it is considered the proposed layout would comply with UDP Policies EN1/2, H4/2, and CF3.

Impact on residential amenity

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 has stated that one of the key objectives and ethos of the facility is to provide an environment which would be consistent with 'normal' residential living conditions and the regularity of daily living. It is intended the care home would function discreetly within this rural locality.

The supporting information sets out that the children would occupy the dwelling in manner that would not be materially different to how a family would occupy it. Each child would have their own bedroom and communal spaces (e.g. kitchen/dining room/lounge) would be shared between occupants. The children would attend school or be home schooled and would socialise and partake in recreational activities as would a child would occupy the same as a dwelling.

Changeover between staff would occur twice a day and would entail the transition of two staff early 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 and other rooms were to be used as bedrooms). Furthermore, without planning permission, the dwelling could be utilised as a house in multiple occupation for up to 6 occupants.

It is not considered that the proposed change of use of the dwelling would 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, 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 6 bedroom house and therefore 5 spaces will be required. It is recognised that the children will unlikely drive and therefore the 5 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. A condition is therefore recommendation.

The property is accessed from a lane that is also a designated Public Right of Way (PROW). The Council's Highways department has raised no objections to the proposals, they have recommended informatives be imposed

Unitary Development Plan Policy H4/2 - Special Needs Housing requires consideration of the sites gradient. However, the application states that the facility would not cater for those with physical disabilities and regardless, the gradient of the driveway leading to the front door is shallow.

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 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.

Recommended Condition 2 would restrict occupation to residential care only and no other purpose within the broader definition of Use Class C2.

CONCLUSION

The development has been assessed as not having any unacceptable impacts upon the general amenity and safety of neighbours and guests, visual amenity or highway safety.

Given the above, the proposal would be compliant with the above stated UDP policies and the NPPF. 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:

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- 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. 22-09 10 Rev. B: Proposed Courtyard Plan;
Drawing no. 22-09 12 Rev. A: Proposed Ground Floor and Bungalow Plans; and,
Drawing no. 22-09 11: Proposed First and Second Floor 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 car parking bin storage arrangements indicated on approved plan reference 22-09 10 Revision B shall be surfaced and be made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 4 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 4 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 would be accessed via an unmade single track lane.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB - 23/03/2023		HL	24/03/23