

DELEGATED REPORT

Report by Helen Leach	Date of report: 11/12/2023	Ref: 66519/FUL
Registration: 26/08/2021	LDFC: 20/09/2021	Expiry Date: 25/11/2021
Site Visit: 08/09/2021	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MAOT

Proposal: Erection of care home facility

Location: Land fronting Orkney Close & 77 Bury Road, Radcliffe, Manchester, M26 2WR

Description

The application site is located at the rear of No. 77 Bury Road. The site is vacant and overgrown with vegetation. There is a telegraph pole within the site and 2 metre high timber fencing along the boundary with Orkney Close.

There are residential properties to the north and south and the Metrolink line forms the boundary to the west. No. 77 Bury Road is located to the east and is currently in use as a care home. There have been several permissions on the site of No. 77 Bury Road and the application site, which are detailed below.

The proposed development involves the erection of a building for use as a 23 bed care home. The proposed building would be three storeys in height and would front onto Orkney Close. The proposed building would be constructed from brick with a concrete tile roof. Access would be taken from Orkney Close and a car park of 6 spaces would be provided.

Relevant Planning History

50596 - Outline planning permission for the erection of two/three storey care home (resubmission) at 77 Bury Road, Radcliffe. Approved with conditions - 24 December 2008

50735 - Outline planning application for two/three storey block of 14 no. apartments at 77 Bury Road, Radcliffe. Approved with conditions - 19 February 2009.

52455 - Change of use from former residential care home to a single house (Use Class C3) at 77 Bury Road, Radcliffe. Approved with conditions - 1 June 2010.

59984 - Outline - Demolition of existing care home and erection of up to 13 no. dwellings at 77 Bury Road, Radcliffe. Approved with conditions - 20 December 2017

63967 - Alterations to elevations comprising installation of new window openings and construction of access stair to basement at 77 Bury Road, Radcliffe. Approved with conditions - 4 June 2019.

Enforcement

11/0357 - Untidy land and buildings - 22/05/2012

19/0011 - Works to protected trees - 18/01/2019

19/0201 - Untidy land and property - 23/10/2019

20/0063 - Untidy land and property - 01/10/2020

Publicity

The neighbouring properties were notified by means of a letter on 27 August 2021.

2 letters have been received, which have raised the following issues:

- What type of care home would this be? Is it for the elderly or for those with substance addiction?
- Parking is the main issue - it is a narrow close and the entrance is usually blocked by residents on Bury Road.
- The entrance to the car park is narrow with poor visibility for vehicles that leave the car park.
- loss of privacy and overlooking
- Loss of privacy and overlooking
- Overshadowing/loss of light
- Highway safety, inadequate parking and access
- Ground stability and drainage
- Detrimental impact upon residential amenities and the visual impact of the development
- Future Use

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal - insufficient information relating to pedestrian access, relocation of streetlights, tracking details, visibility splays and pedestrian visibility. Impact of substation on visibility

Drainage Section - No response.

Environmental Health - Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land.

Environmental Health - Air Quality - No objections, subject to the inclusion of an informative relating to electric vehicle charging.

The Coal Authority - No objections, subject to the inclusion of conditions relating to coal mining.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to nesting birds, invasive species and landscaping.

United Utilities - No objections, subject to the inclusion of conditions relating to foul and surface water drainage.

Environment Agency - No response.

Designforsecurity - The CIS has not been produced by a suitably qualified security consultant.

Transport for GM - Object to the scheme as the proposed building would impact upon trees resulting in embankment instability, which would impact upon the safe running of the Metrolink line.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/4	Street Furniture
EN2	Conservation and Listed Buildings
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development

HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
CF1/1	Location of New Community Facilities
CF3	Social Services
CF3/1	Residential Care Homes and Nursing Homes
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework
HT3	Public Transport

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.

Principle - Policy CF1/1 states that proposals for new and improved community facilities will be considered with regard to the following factors:

- impact on residential amenity and the local environment;
- traffic generation and car parking provision;
- the scale and size of the development;
- where applicable, access to shops and other services;
- if the use is intended to serve a local community, or catchment area, the suitability of the chosen location in relation to that community or catchment area;
- accessibility by public and private transport;
- the needs and requirements of the disabled.

Policy CF3/1 states that residential care homes will be located in residential areas and will be permitted where they do not conflict with the amenity of adjoining areas.

Policy H4/2 states that the Council would encourage the provision of special needs housing and would be assessed with regard to the location of health care facilities, the location of local shops, public transport, the gradient of the site and the provision of car parking and amenity space.

The proposed development would provide a care home, which would be used to provide supported care for people leaving hospital before they move into their own accommodation. The proposed care home would be located within a residential area and would not conflict with the surrounding land uses. There would be adequate infrastructure and the site would have good access to public transport on Bury Road. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy CF1/1, CF3/1 and Policy H4/2 of the Bury Unitary Development Plan.

Design and layout - The NPPF focuses on design along with the National Design Guide. The NPPF makes it clear that creating high quality buildings and places is fundamental with Paragraph 126 stating "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

This is further supported by the National Design Guide, which was published by the Ministry of Housing, Communities and Local Government in 2019 and states that well designed new development is influenced by "an appreciation and understanding of vernacular.....including existing built form, landscape and local architectural precedents." In terms of layout the Design Guide states that a well designed place is unlikely to be achieved by focusing just on appearance, materials and detailing of buildings and that layout, including the grain pattern of development, blocks and lots needs to be considered and relate to one another to create spaces, open spaces and buildings.

Looking at a figure ground diagram of the surrounding area, the footprint of the proposed building would be significantly larger than the surrounding dwellings. In addition, the proposed building would be three storeys in height with a pitched roof. With the exception of the adjacent care home, all of the surrounding dwellings and buildings are two storeys in height. No streetscene or section plans have been provided, so it is not possible to assess the impact upon the streetscene or character of the area. As such, there are concerns that the scale and height of the proposed building would be inappropriate and would not assimilate into the surrounding area.

The proposed building would have a single storey projection at the front, which would contain a piked detail above the main entrance and long vertical windows in relation to the stairwells at either end of the building. However, the remainder of the building does not contain any architectural features and is relatively flat with windows in a uniform layout. As such, there is little visual interest to break up the elevations of the proposed building.

The proposed building would be constructed from red brick with a concrete tile roof, which would match the adjacent dwellings and care home.

Therefore, the proposed development would conflict with Policy EN1/2 of the Bury Unitary Development Plan and the NPPF.

Impact upon surrounding area - The proposed development would move the boundary closer to the existing care home. Currently, this area of land is used as a bin store and parking for the existing care home, which is in operation. No plans have been provided to indicate where the bin store and car parking would be moved to. As such, there is insufficient information to assess whether adequate bin storage and car parking is available for the existing care home. Therefore, As such, the proposed development would have an adverse impact upon the safe use of the Metrolink line, which would conflict with Policies EN1/2 and HT3 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD 6 provides guidance on aspect standards between residential properties. Whilst the proposed development is not a residential property, it does provide a yardstick of appropriate interfaces between the proposed development and residential properties.

There would be 14.3 metres from a bedroom window in the rear elevation of the existing care home to the proposed building, which would be in excess of the 13 metre aspect standard.

There would be 25 metres from the rear of the proposed building to the rear of the existing dwellings on Olsberg Close, which would be in excess of the 23 metres required.

There would be 17.1 metres from the front elevation of the proposed building to the two storey blank gable of No. 1 Orkney Close, which would be in excess of the 16 metre aspect standard.

Therefore, the proposed development would not have a significantly adverse impact upon the amenity of the neighbouring properties.

Trees - The proposed building would be located close to the boundary with the Metrolink line, which is located at a lower level. The proposed building and associated foundations would impact upon the roots of the trees within the westerly group. If the tree roots are affected, they would become unstable, which would affect the stability of the embankment adjacent to the Metrolink line and result in track movement. As such, the proposed development would have an adverse impact upon the safe use of the Metrolink line, which would conflict with Policies EN1/2 and HT3 of the Bury Unitary Development Plan.

Ecology - The main issues relate to nesting birds, invasive species, proximity to a wildlife corridor and biodiversity enhancement measures can be resolved via condition and or informative.

Protected Species - The site was assessed for all likely protected species. No evidence of any such species was found or suitable habitat. A pond approximately 150m to the west has been surveyed previously and is known not to have any great crested newts. No further information or measures are required.

Nesting Birds - Dense scrub, scattered scrub and trees are present on the site and would be lost potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GM Ecology Unit recommend a condition relating to nesting birds.

Invasive Species - A large stand of Japanese knotweed is present on the site as well as a

small are of variegated yellow-archangel. Both species are listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to introduce or cause to grow wild any plant listed under this schedule. The developer notes that management is underway. I recommend that as part of any permission a condition along the following lines is applied to any permission. GM Ecology Unit recommend a condition relating to invasive species.

Contributing to and Enhancing the Natural Environment and Proximity to a Wildlife Corridor
Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in some losses of trees and scrub and associated bird nesting habitat. Mitigation should be provided and native planting should take place along the metrolink boundary to ensure both mitigation for losses on site and the wildlife corridor associated with the metrolink is strengthened. GM Ecology Unit recommend a condition relating to landscaping and the provision of bird boxes.

Therefore, the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

Flood risk - The proposed development would involve the provision of a care home facility on land which is located within flood zone 2. As such, the proposed development would be classed as more vulnerable development and a sequential test would be required. The purpose of a sequential test is to guide development to areas at the lowest risk of flooding, by requiring applicants to demonstrate that there are no alternative lower risk sites available where development could take place.

The applicant has not provided any information in relation to alternative sites or the sequential test. As such, there is insufficient information in relation to the sequential test and the proposed development would conflict with Policy EN5/1 of the Bury Unitary Development Plan and the NPPF.

Highways issues - The proposed development would be accessed from Orkney Close but currently, the pavement on this side of Orkney Close is very narrow. The Traffic Section have confirmed that there is insufficient information in relation to the following:

- a 1.8 metre wide footway is required from the existing adjacent access in lieu of the existing footway, which gradually narrows.
- the relocation of the existing street lighting column on Orkney Close.
- the new access should be tracked at the junction of Orkney Close and along the bend to ensure that the width of the access both at the junction and within the site is sufficient for two cars to pass each other.
- Details of the materials for the proposed access.
- 2.4 metre by 25 metre visibility splays should be plotted at the junction of new site access with Orkney Close with no obstructions above 0.6 metres.
- Visibility at the back edge of the footway should be plotted to the left egress with no obstructions above the height of 0.6 metres within it.

The submitted plans do not contain the information required and the Traffic Section have objected to the proposal. Therefore, the proposed development would conflict with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

Parking - SPD11 states that the maximum parking standards for a care home is 1 space per 4 beds, which equates to 6 spaces and 3 disabled parking bays.

The proposed development would provide 5 spaces and 1 disabled parking bay, which would be 6 spaces in total as opposed to the maximum of 9 spaces. The proposed development would be located adjacent to Orkney Close. Orkney Close currently has no footpath and is a narrow access of 4.5 metres in width close to a 90 degree bend.

As such, it is not possible for visitors to utilise on-street parking without blocking visibility or vehicular access along the street. The proposed development would not provide sufficient parking for the staff and visitors to the care home, which would lead to parking on the street, which would create highway safety issues and would conflict with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Access issues - The proposed development would provide level access to the main entrance and a footpath would connect the main entrance to Orkney Close. The doors at the main entrance would be 1.6 metres in width, which would be useable for wheelchair users. A disabled parking bay would be provided in the car park at the rear, but this space would be 27 metres from the main entrance, which is considered to be too far away.

Only 1 disabled toilet and 1 disabled bedroom would be provided and these would be located on the ground floor. The proposed doors within the building would be 0.8 metres in width, which would not be wide enough for wheelchair users.

No lifts would be provided and there are no assisted bathrooms indicated on the plans.

Therefore, the proposed development would not be accessible and would be in conflict with Policy HT5/1 of the Bury Unitary Development Plan.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
CF1/1 - Location of New Community Facilities.
- 2 The application and submitted plans contain insufficient information to enable the impact upon bin storage and car parking for the adjacent care home to be properly assessed. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:
Policy CF1/1 - The Location of New Community Facilities
Policy EN1/2 - Townscape and Built Design
Policy HT2/4 - Car Parking and New Development
- 3 The proposed development by virtue of its size and siting would result in threat to the continued well being of the existing trees, which are located within the embankment adjacent to the Metrolink line. The damage to or loss of these trees is considered to be unacceptable because of the impact on the stability of the embankment and the subsequent impact upon the safe running of the Metrolink line. Therefore, the

proposed development would conflict with the following policies of the Bury Unitary Development plan:

EN8 - Woodland and Trees;

EN8/2 - Woodland and Tree Planting

Policy HT3 - Public Transport.

- 4 The application and submitted plans contain insufficient information to enable the impact of the proposed development upon the sequential test to be properly assessed. Therefore, the proposed development would conflict with Policy EN5/1 - Flood Risk and New Development and Section 14 of the National Planning Policy Framework.
- 5 The application and submitted plans contain insufficient information to enable the following aspects to be properly assessed:
- A 1.8 metre wide footway is required from the existing adjacent access in lieu of the existing footway, which gradually narrows.
 - The relocation of the existing street lighting column on Orkney Close.
 - The new access should be tracked at the junction of Orkney Close and along the bend to ensure that the width of the access both at the junction and within the site is sufficient for two cars to pass each other.
 - Details of the materials for the proposed access.
 - 2.4 metre by 25 metre visibility splays should be plotted at the junction of new site access with Orkney Close with no obstructions above 0.6 metres.
 - Visibility at the back edge of the footway should be plotted to the left egress with no obstructions above the height of 0.6 metres within it.
- Therefore, the proposed development would be in conflict with the following Policies of the Bury Unitary Development Plan:
- Policy EN1/2 - Townscape and Built Design
Policy CF1/1 - Location of New Community Facilities
HT4 - New Development.
- 6 The proposed servicing and car parking provision is inadequate and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
- Policy CF1/1 - Location of New Community Facilities
Policy HT2/4 - Car Parking and New Development
- 7 The application and submitted plans fail to demonstrate that the development is accessible for all. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:
- Policy CF1/1 - Location of New Community Facilities
Policy HT5/1 - Access for Those with Special Needs.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 11/12/2023		DM 18/12/23	