

DELEGATED REPORT

Report by Helen Pressley	Date of report: 29/09/2023	Ref: 69908/FUL
Registration: 07/08/2023	LDfC: 26/09/2023	Expiry Date: 02/10/2023
Site Visit: 13/09/2023	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 residential use (6 no. self-contained flats Class C3(a)) to residential care home for up to 5 no. young people (Class C2)

Location: 114-116 Walmersley Road, Bury, BL9 6DX

Description

The application relates to 2 no. terraced properties on Walmersley Road. The properties currently provide 6 no. self contained flats. The properties currently have a small yard/garden area to the front with a larger combined yard to the rear that can be utilised for storage of bins and residential amenity space. This yard area leads to Back Walmersley Road East.

Planning permission is sought to change the use of the linked properties, from 6no. flats to a residential care home for up to 5 no. young people (Class C2).

Relevant Planning History

12635 - Conversion of 2 dwelling houses into 5 flats - Approve with Conditions 12/11/1981

Publicity

Neighbour letters sent 09/08/2023.

No representations received

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to condition in relation to implementation of bin storage and cycle storage.

Children's Centres & Early Years - No objections raised

Environmental Health - Pollution Control - No objections raised

Planning Policy Manager - No response

Greater Manchester Police - designforsecurity - No response

Waste Management - No response

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H4/2	Special Needs Housing
CF3	Social Services

CF3/1	Residential Care Homes and Nursing Homes
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
H4	Housing Need

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 (Use)

The proposed use would seek to provide care for a maximum of 5 young people, aged between 16 -25, who would all be in either education or an employment start up

programme, who require personal support and training to allow them to live independently, once they leave the property.

UDP Policy H4 - Housing needs, states that the Council will encourage the provision of a range of housing types and tenures as appropriate to the housing needs to the Borough. This is consistent with the NPPF which suggests that local plans should meet full, objectively assessed needs

The NPPF and UDP Policy CF3 - Social Services advocates proposals for such facilities to be located in the community and within what could be described as 'normal residential areas' to provide support, stability and care and a sense of normal living conditions for residents (provided the use would not conflict with existing residential amenity, the environment and other planning policies).

Given that the proposal is sited in a predominantly residential area, with access to local amenities such as a park, bus services, schools and shops within walking distance the use of the site is considered to be acceptable in principle.

The proposal is for a C2 use - which includes uses relating to residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. The need for staff on site, to supervise the young persons would appear to move beyond the limitations of the current C3 uses that limit the uses allowed within the property to households living as a single unit.

In terms of staff numbers and shift patterns, the arrangement to provide 3 members of staff on during the day and 2 at night (sleeping nights), would not be dissimilar to the comings and goings of the existing 6th flat within the units. It is therefore considered that the proposed use would not change the character of the site or surroundings beyond its current residential use.

It is considered that the scale of the proposed use would not have an adverse or detrimental impact on the character of the surrounding area or adjacent properties complying with the policies set out above.

Design and Layout

Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

In terms of the physical makeup of the properties, 5 of the 6 self-contained flats would be retained, whilst the existing flat that forms the ground floor of 114 Walmersley Road, would be converted into office accommodation for care staff. The staff would also have access to the existing welfare facilities that are available.

No external changes are proposed.

Bin and bike storage are shown within the existing rear yard, and enough space has been retained within this area to be utilised as residential amenity space for future occupiers.

It is therefore considered that the proposal would not have a detrimental impact on the character of the properties, street scene or neighbouring properties. The proposal is therefore considered to comply with UDP Policy EN1/2.

Amenity

The impact of the proposal on the residential amenity of surrounding residents is a critical factor in the assessment. The main factors within this assessment are the potential for noise and disturbance from activities within and around the premises from the occupiers and visitors.

The planning statement confirms that a curfew of 23:00 from Sunday to Thursday and midnight on Friday/Saturday would be strictly enforced (supported by CCTV). Considering that there are no restrictions on the existing flats, it is considered that the proposed use would not have any additional impact on the neighbouring properties in this respect. The Planning Statement confirms that there would also be occasional visits from the health visitor, social worker or through OFSTED inspection however this would be no different to friends, family etc attending the existing flats as visitors and as such is considered acceptable.

Environmental health - pollution control have been consulted as part of the application process and have examined the above planning application and associated documentation and have no adverse comments to make in relation to the proposed use. Given that the use has been assessed above as to not change the character of the site or surroundings beyond its current residential use it is considered that the comings and goings of staff members would be similar to that of an existing resident and as such would not have a detrimental impact on the residential amenity of the neighbouring properties.

Highways and Parking

There is no existing parking for the existing 6 units. In terms of day to day care that would be associated with the use, this planning application is made on the basis that the proposed residential use, including the level of comings and goings, would fundamentally remain the same.

The site is also located in a high access area with bus stops for both staff and service users on Walmersley Road, within walking distance of the site.

Provision has been made within the site for bin and cycle storage.

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 decision relates to drawings numbered A105 Rev B, A101, A110 Rev B and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The use hereby approved shall not be commenced unless and until the off-highway bin and cycle storage arrangements indicated on approved plan reference A105 Revision B have been implemented and thereafter maintained.
Reason. To ensure that adequate bin and cycle storage arrangements for the use proposed are provided within the curtilage of the site.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	29/09/2023		