

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 03/06/2026	Ref: 73004/FUL
Registration: 13/04/2026	LDFC: 08/05/2026	Expiry Date: 08/06/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from a 6 bed dwellinghouse (Use Class C3) to Children's care home (Use Class C2) for 5 no. children under the age of 18

Location: 240 Walmersley Road, Bury, BL9 6NH

Description

The application relates to a large 2 storey detached dwellinghouse which is located in an area of predominantly residential development. The property is positioned on a corner plot and fronts the main road.

The dwelling is an attractive period property, with feature bay windows and detailing and wrought iron surrounds to upper floor balcony features. The property is considered to be a Non-Designated Heritage Asset as a building of local interest.

The property was formerly a residential care home but changed to a dwellinghouse circa 2017. Accommodation comprises a basement room, ground floor living areas and 1 bedroom with a further 5 bedrooms at the first floor. The property has previously been extended at the rear at the ground floor level.

The front garden is bounded by a low wall and at the side off Raymond Avenue is the vehicular access to the site which is through a double wrought iron gate and leads to the rear of the property which comprises a hardstanding area.

Planning permission was granted in July 2023 for the change of use of the dwellinghouse to a 9 bed (single occupancy) House of Multiple Occupation (HMO).

This application was approved with 9 parking spaces at the rear and a cycle store for 5 bikes. Internally, alterations would be carried out to provide separate bedrooms, bathrooms and shared facilities.

The applicant has stated that the only works carried out are general strip out and partitions. There is no building control application. As such, there has not been a material planning start to implement the HMO consent and the lawful use of the building is a dwellinghouse.

This application seeks the change of use of the dwellinghouse to a children's care home (Use Class C2) for 5 no. children under the age of 18.

It would be staffed by carers who would operate on a shift pattern. There would be 5 full time carers and a part time manager during the day from 8am to 8pm and 3 members of staff at night between 8pm and 8am. The application states that periodically there may be visits from health professionals or social workers which would take place during normal working hours and likely to be monthly not daily.

Internally, accommodation would comprise living areas and a staff office/sleep in room on the ground floor and 5 bedrooms and bathrooms at the first floor.

Externally, the proposed site plan shows 8 parking spaces at the rear of the property accessed from the existing gate from the side road, Raymond Street. There would also be a bin store and cycle store. Although not annotated on the proposed plan, there is an existing side and front garden bounded by a low brick wall.

Relevant Planning History

62085 - Addition of fence and alterations to existing boundary walls to maximum total height of 2.5 metres - Approve with Conditions 18/01/2018

69699 - Change of use from dwelling (Class C3) to 9 no. bedroom HMO (single occupancy, Class Sui Generis) - Approve with Conditions 26/07/2023

Publicity

Letters sent to 27 properties on 14/4/26

Amended letters sent on 17/4/26 as the applicant confirmed the use as an HMO had not been implemented and the lawful use of the property was a dwelling.

The description was amended for the change of use from a dwellinghouse.

2 objections and 2 comments received

Objections

- This property is renowned for drug den and use, drug users and squatters.
- Constantly being broken into up until to this date.
- Me and my family have lived in terror and police have been call many times including another property which is currently a HMO.
- There is no respect of the law and constant anti social behaviour including racial and verbal abuse.
- We are already struggling with the one HMO and having more is making it worse.
- We have disciplined and helpful kids and now they are scared to be in house as there is constant drug smell and anti social behaviour.
- Police have been around too many time for constant threats etc.
- Who are these so called "children and where do they come from?
- The building could be made into a fine house and home again just like the one next door at no. 242 but would not be profitable.
- It is not for the good of the community.
- The council need to think long and hard as to what the ramifications of action could end up leading to.

Comments

- Can a little bit more information be provided under the title ' Children's Care Home'?
- There are currently workers on site who have informed that the building will be a care/respite centre for under 18's with disabilities. Is this true or is the intention for a children's care home?
- To be honest as long as there are staff on site doing their jobs proficiently, I prefer this option to an HMO/derelict site. Children are children and deserve care and inclusion, whatever circumstances brings them to the area.
- It would just be considerate if you provided a little more information for the residents who will be directly affected by the change.
- If indeed it is for the care of disabled children then I would be all for it - presuming they are being cared for correctly.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Waste Management - No response received

Housing - Public Protection - No response received

Children's Commissioning Team (Children and Young People Department) - Object

Design for Security - Do not support the application

Pre-start Conditions - Not relevant

Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
CF3	Social Services
CF1/1	Location of New Community Facilities
H4/2	Special Needs Housing
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-S2	Carbon and Energy
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
NPPF	National Planning Policy Framework
SPD11	Parking Standards in Bury
EN1/5	Crime Prevention

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.

Policies

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.

Policy CF1/1 - Location of New Community Facilities states that proposals for new and improved community facilities will be considered with regards to the following factors -

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

Policy H4/2 states that the Council will encourage the provision of special needs housing. Proposals will be assessed with regard to the following factors:

- Sites should be conveniently located for local shops, public transport and community facilities;
- the location of health care facilities;
- the gradient of the site;
- the gradient between the site and the public transport network;
- the necessary car parking and amenity space (including gardens) should be provided;
- the development should be of a high standard in terms of design, layout and landscaping so that a satisfactory environment is achieved.

PfE Policy JP-P1 - Sustainable Places 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.

Draft Local Plan Policy LP-H6 - Homes for looked after children and care leavers supports residential development for looked after children and care leavers where the proposed development is compliant with other policies in PfE and the Local plan. The Council will seek to ensure that new provision:

- a. is in a suitable, sustainable location and appropriate premises;
- b. does not result in the clustering or over-concentration of provision for looked-after children in any particular area of the Borough;
- c. gives priority to children and young people from the Bury area in the first instance, in line with local needs.

The Local Plan is draft only and at the current time has limited weight. However, it is useful to note the policy and what will be taken into account for future planning applications.

The considerations of the application relate to the need for the facility, appropriateness of the property and location for a children's care home, parking and accessibility to services and amenities.

Need, scale and appropriateness of property

Need and scale

The applicant states that 'discussions and research were done around the Bury Metropolitan Borough Council, and it has been confirmed that there is a shortage of childrens care homes within the borough area. It is also stated that there are discussions with several care providers who would operate the property, and that the applicant is in the process of agreeing terms.'

The Council's Children's Commissioning Team have been consulted and confirm that there is no evidence of consultation with the Childrens Commissioning Team.

Children's care homes are a specialised type of accommodation designed to provide care and support for children within a 'normal' and stable family lifestyle. Typically, there should be no more than 2 or 3 children with supported care forming a single household. Friction can often happen when there are more children living together as they can often have emotional or social issues especially children who would be mostly unrelated.

In this case, there would be 11 people at one time forming a single family household. The proposed model of a 5-bed home does not reflect local needs and is notably larger than typical childrens homes.

The Children's Commissioning Team support the LPA's view that the property and scale of development is inappropriate.

The proposed model of a 5-bed home does not reflect local needs and is notably larger than typical childrens homes. Larger homes of this size can present challenges, and it is therefore unusual for homes of this size to be registered with Ofsted for reasons which include being able to:

- promote a sense of belonging in a 'normal' or 'average' sized domestic home
- carefully match children together based on needs, risks and compatibility
- minimise the risk of placement breakdowns
- avoid disruptive group dynamics
- minimise environmental stressors for children - noise, conflict, over stimulation
- ensure better staff oversight and trauma informed approaches in a smaller home with child-centred care
- manage day to day logistics of getting children to school, college and activities etc.

By virtue of the number of the occupation of the property to accommodate 5 children, each with a carer plus a manager, would result in a significantly intensively occupied children's care home and as such the development and use of the property would be inappropriate and contrary to policies H4/2 and CF1/1 in terms of the scale and size of the development.

Appropriateness of the property

UDP Policy H4/2 confirms that special needs housing should be of a high standard in terms of design, layout and landscaping so that a satisfactory environment is achieved. Policy H4/2 also states that the necessary car parking and amenity space (including gardens) should be provided and that it is essential that the nature of the site offers its residents a pleasant living environment.

In terms of parking, the development would provide 8 spaces for 6 daytime and 3 evening members of staff which would be acceptable. However, the proposed parking would utilise the whole of the rear area of the property, which would create an unsafe area for children particularly given the number of cars and associated traffic movements.

As the proposed parking would utilise the entire rear space, there would be no private and secure outdoor amenity space which would be expected for a childrens care home (or most family homes for that matter). The only garden space would be at the front and part of the side of the property which is open, unsecured, adjacent to a footway and busy main road and easily accessible from outside the site.

It is therefore considered that whilst there would be sufficient parking provided for the scale of the development, this would be to the detriment of providing a safe and secure level of outdoor amenity space and safe and secure environment.

As such, the proposed development and property would be inadequate in satisfying reasonable requirements for space about the dwelling for the provision of private and secure amenity space. As such, the proposal would have a detrimental impact on residential amenity of the future occupiers and would fail to provide a good quality special housing provision, contrary to Policy H4/2.

The development would be contrary to Draft Local Plan Policy LP-H6 - Homes for looked after children and care leavers which seeks to ensure that new provision is in a suitable, sustainable location and offers an appropriate premises.

The applicant states that the proposed care home would not operate in a noticeably or materially different manner to the approved pattern of activity at the property for the HMO which was approved for 9 occupiers. The LPA dispute this statement. Residents of HMO's live independently of each other and have a completely different living pattern requiring different needs and facilities to that of a childrens care home. Children's care homes operate as a family unit, the carers providing the parental care for children. Needs, facilities and demands of a property and how the use and property operate are not comparable to an HMO use. The proposed uses are fundamentally different.

To note, the proposed site plan is the same plan which was submitted for the application for the change of use from dwellinghouse to 9 bed HMO (planning ref 69699) which suggests the applicant considers children's care homes would require the same parking arrangements, outdoor amenity space and facilities as an HMO. This is categorically not the case.

Design for Security response (DfS)

The Design for Security Team have been consulted on the application and have responded as follows.

In its favour, the proposed care home would be in an appropriate, residential location for such a facility, being free of features that might be a risk to children, and with access to transport, primary education, greenspaces and health services. In addition, it does not appear be in a neighbourhood with an over-concentration of residential institutions. Crime levels in this area are not high. More specifically, it is a handsome, detached property and its renovation and re-use would be a local asset. Members of staff would be present

through the day and night. Car and cycle parking spaces would be provided within the grounds of the property for care staff, peripatetic staff, occasional visitors and residents (cycles).

There are, however, a number of issues with the application. In terms of the planning submission, there is a lack of supporting documentation. DfS would expect to see detailed information with regards the suitability of the neighbourhood and the property, operational practices and policies, previous experience in operating such a facility, and any proposed modifications to the building and grounds to ensure that it will be a safe and secure environment in which to care for children. There is no obvious outdoor play space for children. The rear of the property will become a car park and manoeuvring area. Any outdoor play space will be confined to the front and side gardens, neither of which are sufficiently private to provide suitable space unless enclosed by increasing the height of the boundary walls/railings or supplementing existing boundaries with timber fencing. Such walls or fencing may be considered to have a negative visual impact on both the streetscene and setting of the property, as well as being impractical from an operational perspective.

The location of the proposed cycle parking is in too visible a location and too close to the car park entrance; theft of, or damage to, cycles in this location is probable. A more suitable location for cycle storage is between the north elevation of the building and the northern boundary. The cycle store should be a secure enclosure.

On balance, DfS are unable to support the application. The applicant has failed to:

- a) demonstrate that adequate, safe, outdoor play space can be accommodated on the site.
- b) provide sufficient, detailed supporting documentation to adequately set out, i) the need for the facility in this neighbourhood, ii) the needs of the children resident at the property (a lack of outdoor play space at this property may make it unsuitable for young children and/or children with emotional or behavioural difficulties, for example), iii) policies and procedures that demonstrate how the facility will operate - to include procedures to address issues that might affect the amenity of neighbours and/or involve the Police; and, iv) include evidence to demonstrate that the property is an appropriately secure place in which to provide care, or propose modifications to ensure it is.
- c) demonstrate that the proposed cycle storage/parking is suitably secure.

The proposed development is therefore not supported and considered unacceptable and contrary to policies EN1/5, H4/2 and CF1/1.

Parking

The application proposes to provide 8 parking spaces.

In terms of staff rotations, there would be 6 members of staff during the day working an 8am to 8pm shift and 3 staff at night working 8pm to 8am and as such sufficient parking would be provided at both shift times.

The busiest time would be at changeover time but this would generally be for a brief period and if all staff were present at the same time, the site would only be short by 1 space at any given time. The changeover times could potentially be controlled by a suitable condition that one of the changeovers is delayed for a given period but this could be difficult to monitor and enforce. However, there is on street parking on the side road directly next to the property and in the vicinity and given the lack of only 1 space within the site at shift changeover time, the parking provision for the scale of development is considered to be acceptable.

That said, activities around leaving and arriving at the house would be drop offs/pick ups

from school, other activities and private appointments. As there would be 5 children, it may be the case that each child attend a different school depending on their age and any special educational needs. Activities would also be varied and this would mean trips to and from the property could be more frequent than expected of a family household. This would be contrary to the ethos of a children's care home which is to provide small scale close family environments with little disruptions and disturbances as possible.

Other comings and goings from visitors such as social and support workers, whilst not necessarily daily, could generate a number of trips if each child were served by different support staff. Again, this would not align with the philosophy of providing a 'normal' family environment.

The proposed development would therefore be contrary to policies H4/2 and CF1/1.

Policy JP-S2 - Carbon and energy

The applicant states the proposal would comply with Part L of Building Regulations by improving energy efficiency and generate renewable and low carbon energy, heating and cooling. Proposals include cavity wall, loft and floor insulation, heating controls and energy efficiency lighting.

Policy JP-C2 - Digital connectivity

The applicant states that the premises would have full fibre optic connectivity.

Recommendation: Refuse

Conditions and Reasons:

- 1 The applicant has failed to demonstrate that adequate, safe, outdoor amenity space can be accommodated on the site which would be significantly detrimental to the residential amenities, well-being and safety of the future occupiers. The proposed development would be contrary to policies H4/2 - Special Needs Housing, CF1/1 - Location of New Community Facilities and principles of the NPPF.
- 2 The proposed development, by virtue of the occupation by 11 people (5 children in care and 6 adult carers (daytime) and 3 adult carers (nighttime)) would result in an intensification of the use of the property which would be inappropriate for a development to provide a suitable family orientated stable environment for children in care with suitable layout arrangements and facilities. The proposed development would therefore be contrary to policies H4/2 - Special Needs Housing and CF1/1 - Location of New Community Facilities.
- 3 The application and submitted plans contain insufficient information to provide sufficient, detailed supporting documentation to adequately set out the need for the facility in this neighbourhood, the needs of the children resident at the property and policies and procedures that demonstrate how the facility will operate and evidence to include evidence to demonstrate that the property is an appropriately secure place in which to provide care. The proposed development would therefore be contrary to policies EN1/5, H4/2 and CF1/1.

<u>Case Officer</u> JT 3/6/26	<u>Date</u>	<u>Sign off Officer</u> DM 03.06.2026	<u>Date</u>
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