

Ward: Bury East - Moorside

Item 02

Applicant: Better Care for Future LTD

Location: 223 Walmersley Road, Bury, BL9 5DF

Proposal: Change of use from dwelling to 4 no. bed children's home

Application Ref: 66822/Full

Target Date: 23/06/2021

Recommendation: Approve with Conditions

Description

The application relates to a semi-detached 3 storey property that is currently under residential use. The property currently comprises of 5 no. bedrooms, 2 no. living rooms, 1 no. kitchen, 2 no. studies, 2 no. WCs, 1 no. bathroom and 1 no. showroom. The property is located on a corner plot on the junction of Walmersley Road and Birley Street and has bay frontages to both street scenes. The premises appears to have been extended at two storey and single storey to the rear including the provision of a single storey garage and storage room that is accessed from Birley Street. The boundary of the site is depicted by a red brick wall.

The site is surrounded with residential properties to the north, south and west with a park located to the east of the site.

Planning permission is sought for the conversion of the property into a 4 bedroom children's home. Two full time and two-part time staff in one shift are proposed comprising of the following:

- One responsible Manager will start at 8am till 4pm
- Two staff will work 7am till next morning 7am
- One staff will start at 8pm till 7am
- Two Cooking and cleaning staff will start at 3pm till 7pm

The age range for children would be between 8 years and 16 years, however it is anticipated that most children don't start coming into residential homes until they are 11 years old. Social workers are predicted to be a maximum of approximately twice a week (if the home's occupancy is full) with parents attending once a month if appropriate.

Relevant Planning History

02538/E - Change of use to 4 no. bed children's home - Enquiry completed 12/02/2021

Publicity

Letters sent to 11 neighbouring properties on the 13/05/2021. Objections received from 219 Walmersley Road, 227 Walmersley Road, 28 Birley Street, 16 Birley Street, 205 Walmersley Road, 3 Birley Street, 29 Birley Street, 221 Walmersley Road and one unknown address in relation to:

- Lack of parking on Birley Street.
- Safety issues with cars parked and the turning onto Birley Street has double yellow lines.
- There would be no parking spaces for the staff that would work at the children's home.
- The house is not suitable for children the garden is so small for the children to play and it's on a busy main road.
- We already have a house on that row that is a care home for adults which is not safe for

children to be around.

- Worry of anti-social behaviour, noise crime and unrest for the community.
- Received no correspondence on what was being planned or who the new owners would be.
- We are leaseholders and should be consulted.
- A sign was erected by EDWARD MELLOR Auction House stating that the property was for sale to be turned into flats/apartments. After we contacted EDWARD MELLOR the sign was removed along with the house being taken off the market however, several weeks later work commenced on the property which told us the house had been purchased, even though a "SOLD" sign never appeared and once again there was no indication as to what the property would be?
- We learned that the new owner was "AUL DEVELOPMENTS". However, you state that the planning application has been made by a "BETTER CARE FOR FUTURE LTD"?
- will be perturbed by the type of children who would be living next door as we do not expect our lives to be disrupted by teenagers who obviously are in care. However, I am only speculating here.
- On the opposite side of us is ROOKWOOD Nursing Home who care for elderly vulnerable residents whilst on the opposite side we already have a Bury Council Foster home. Thankfully we have never had any issues with these and can only hope that if planning is approved that the children we get will behave in an appropriate and sensible manner which does not cause us or the surrounding area any issues
- Traffic noise
- hazard for parents and young children using Birley Street as route to two local primary schools.
- Safeguarding concern having a home for vulnerable young people opposite known location for CSE and close to bail hostel.
- I understand children need a safe and secure environment but I think it would be better placed away from a busy residential area.
- There is already buildings of this use for both the probation service and a residential care home for adults with learning disabilities within a small distance. We do not wish for another family home to be turned into a building used for social care.
- It is too close to the other existing service buildings, once homes and is starting to classify the section of road as a hot spot for public services.
- It should remain a private dwelling.
- Works have already commenced without consultation of local residents which in my view is just waiting for the rubber stamp that has probably already been approved. Wrong.
- I have very high concerns that a children's home would cause crime anti social behaviour fear of damage to our homes and vehicles .
- I run a Residential Care Home for mental health and learning disabilities and I am looking out for my service users. We have had problems in the past with youths throwing stones and eggs at the windows (front and back) which is very frightening to the service users.
- Having a children's home with children/adolescents having their own problems would exacerbate the situation.
- Noise - Housing adolescence will mean more noise on the streets, having two pubs close already increases the noise of the streets, with having young children around this area this will affect it.
- The park -We are opposite a park, which is in talks with the council to be restructured to allow for more enjoyable environment for younger children, having children in care in this environment will hinder this project and also deter families from attending these facilities.
- Drugs - Walmersley is already known for its drug abuse and selling, having adolescence within this area may lead to encourage more drug use, selling and buying.
- Care homes - we already have sufficient facilities to aid people requiring social care, this does not need to be added too.
- As Bury Social Service foster carers for the past 8 years, we currently foster 4 extremely vulnerable children. We live in a residential area, with young and older families alike, a

business residential home for looked after children whom are typically difficult to place with foster carers would pose substantial risk to our looked after children and the local residential community. It is our responsibility to safeguard the children we foster, we believe that a residential care home for children in close proximity to our home would pose significant risk to our looked after children.

- This is not a provision provided by our local Bury council but is a private, for profit organisation. As we are Bury Council foster carers our ethos is that children are looked after in a family environment. 223 Walmersley Road will not be that.
- Walmersley as a community have accommodated many organisations that benefit children, probationary circumstances and both public and private agency foster care housing, we and the local community see no requirement for yet another profit making business which brings high risks to the area.

Comments received from Councillor S Walmsley in relation to:

- Seek assurances that parking will be carefully considered as part of the application.
- Officer and committee members will be aware that this property is on a corner plot on Walmersley Rd and therefore has parking restrictions to the front and partial side of the property.
- In recognition of the number of staff and visitors planned for the building, adequate parking should be identified, preferably, on site where I believe there is access to the rear.
- Residents on the adjacent Birley Street and Walmersley Road already struggle for parking spaces and while this may be reduced to some extent during the day whilst people are at work, the plans suggest a 24 hour operation in which 24 hour access will be required.

Following receipt of amended plans showing a new parking layout further letters sent 16/06/2021:

Statutory/Non-Statutory Consultations

Conservation Officer - the proposed change of use would not harm the significance of the dwellinghouse.

Environmental Health - Pollution Control - Have examined the above planning application and associated documentation and have no adverse comments.

Traffic Section - no objections subject to a condition that requires the parking arrangements to be implemented

Childrens Services - no response

Greater Manchester Police- It is clear that this type of facility is best situated within the community and In response to this and in consideration of the work of GMP, should the local authority be minded to support this application we would recommend that the following elements are specifically conditioned as part of any planning approval granted:

- The maximum number of residents (3)
- The minimum number of staff present while residents are in occupation (3)
- The age range of the residents
- Visiting arrangements to the site, with the permitted hours and maximum numbers specified.
- The site managers should be required to inform the local neighbourhood policing team about the residents in advance of them moving in, and any subsequent changes

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF National Planning Policy Framework
H4/2 Special Needs Housing

H3/1	Assessing Non-Conforming Uses
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

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.

Policy and Guidance

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”.

The Care Standards Act 2000 states that an establishment is a children's home if it provides care and accommodation wholly or mainly for children.

Over recent years central government has allowed children's care homes to be increasingly operated by private companies, albeit regulated by Ofsted and Local Authorities. Today the vast majority of children's care homes are privately run. As of March 2019, there were 2,304 children's homes of all types. Of these 418 are Local Authority run homes. Out of the 12 million children living in England just over 400,000 (3%) are in the social care system at any one time. More than 75,000 of these children are children in care. Across England, there are 152 LAs responsible for ensuring and overseeing the effective delivery of social care services for children. Ofsted regulates and inspects providers who offer placements for children in care.

The Children's Homes (England) Regulations 2015 and the accompanying guidance document Guide to the Children's Homes Regulations including the Quality Standards (April 2015) provides information and guidance for everyone providing residential child care.

Chapter 5 of the National Planning Policy Framework relating to the supply of homes and indicates that local planning authorities should endeavour to provide a sufficient supply of homes of different sizes, types and tenures.

Chapter 8 of the National Planning Policy Framework relates to promoting healthy and safe communities. Paragraph 91 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- promote social interaction, including opportunities for meetings between people who might otherwise come into contact with each other.
- are safe and accessible, so that crime and disorder, and fear of crime, do not undermine the quality of life or community cohesion.
- enable and support healthy lifestyles.

Policy H4/2 Special Needs Housing states that the Council will encourage the provision of special needs housing. Such proposals would be assessed against criteria such as location in relation to shops and services and should provide the necessary car parking and amenity space required for such uses.

Policy H3/1 - Assessing Non-Conforming Uses in primarily residential areas assess proposals, including the change of use, in consideration of factors including noise, vibration, smell, visual intrusion, traffic generation, parking arrangements and hours of operation.

CF3 Social services considers favourably proposals for the provision of new, and the improvement of, existing facilities including children and young people, 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.

CF3/1 Residential Care Homes and Nursing Homes should be located in residential areas and will be permitted where they do not conflict with the amenity of adjoining areas.

Use

The NPPF and UDP Policy CF3 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.

OFSTED and Childrens Services will also have a set of criteria for standards of accommodation which would need to be adhered to for children in care which would be separate from the Planning process.

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 children in a rotating shift pattern would appear to move beyond the limitations of the current C3 use that limit the uses allowed within the property to households living as a single unit. That is not to say that other care uses would necessitate the need for a planning application and each case would need to be judged on its merits and the level of care and supervision required.

In terms of staff numbers and shift patterns, the arrangement to provide 2 full time staff and various part time staff over a 24 hr period, would not be dissimilar to the normal comings and goings of two working parents with children, possibly up to 17yrs, carrying out daily work, school and leisure activities and routines. The attendance of social workers twice a week, and parents once a month would not be dissimilar to the comings and goings associated with visitors for a family eg friends and relatives. It is thus considered that the proposed use would not change the character of the site or surroundings beyond its current residential use.

In this instance, it is considered that the fall back position of what could be implemented under permitted development rights is also a material planning consideration. The property could easily be converted into a 6 bed HMO utilising the 5 existing bedrooms and 1 of the living areas, without the need for planning permission and therefore would have the potential for 6 separate adults to be living in the property utilising the existing C3 use.

It is therefore 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.

Layout, Design and Heritage

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 addition the application site is considered to be a Non-Designated Heritage Asset of local interest. Paragraph 197 of the National Planning Policy Framework (NPPF) requires the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The site is one of a pair of semi-detached dwellings (221-223) dating from late Victorian/early Edwardian period. The building is three storey, brick with stone details. It has double height window bays to front with flat lateral gable above. It has a stone coping to the verge with ball finials and brick stepped decoration below and tall corbelled stacks with brick fluting and arched bases. Two storey entrance porch to side with stone balustrade above. Bay windows to side as per front and with gable detail.

The property is considered to be a good example of the period which has undergone little alteration, however the original sliding sash windows have been replaced with inappropriate UPVc windows.

The dwellinghouse derives its heritage interest from its architectural merit and architectural aesthetic being largely unaltered together with its unaltered internal planform. The proposal also requires the demolition of an original single storey outrigger and a non-original garage which is attached to it to provide on-site parking. This partial demolition would be an alteration to the dwellinghouse and as such does not require planning permission. There are no other external alterations proposed.

The submitted plans indicate that there would be no change to the internal layout of the dwellinghouse and this is welcomed as it would retain the legibility of the building as a dwellinghouse of the late Victorian, early Edwardian period.

It is therefore considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would not impact on the historic significance of the dwelling. The proposal is therefore considered to comply with UDP Policy EN1/2 and Paragraph 197 of the NPPF.

Residential Amenity

The impact of the care home 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. Another factor is the numbers of vehicles generated by the use, particularly later at night and early mornings with associated opening and closing of doors, revving engines etc.

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 family and as such would not have a detrimental impact on the residential amenity of the neighbouring properties.

Parking

The property is an existing 5 bedroom property, with inadequate off street parking for a family home. As previously highlighted the property could also easily be converted into a 6 bed HMO utilising the 5 existing bedrooms and 1 of the living areas, without the need for planning permission or the need for additional parking provision to be created.

The provision of 2 off street car parking spaces as a result of the change of use is therefore considered to be an improvement to the existing parking arrangements at site. 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.

Response to neighbours

Where relevant to the assessment of the planning application, the issues raised by the objectors have been addressed in the above report.

The Local Planning Authority (LPA) has to assess the land use of the proposed use and its impacts upon the wider environment. The planning acts are clear that the planning system should not replicate conditions or controls of other legislation, but should trust the regulatory bodies to act. In this case, the Local Planning Authority is not kicking the can down the street, but allowing the appropriate bodies, Children Services and Ofsted, to monitor and manage the facility in accordance with their rules and regulations. Should Ofsted, and/or the Local Authority Childrens services, find a problem with the care home, it would take the necessary action which could, in extreme circumstances, include closing the home.

Taking into consideration the above therefore the recommendations made by GMP to condition are not relevant as they would replicate the controls of other legislation, ,or regulatory bodies. The description of development is for a 4 bed children's home and this is what should have been assessed. Restricting the bedrooms to 3, and therefore altering the description of development, would not be appropriate.

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.

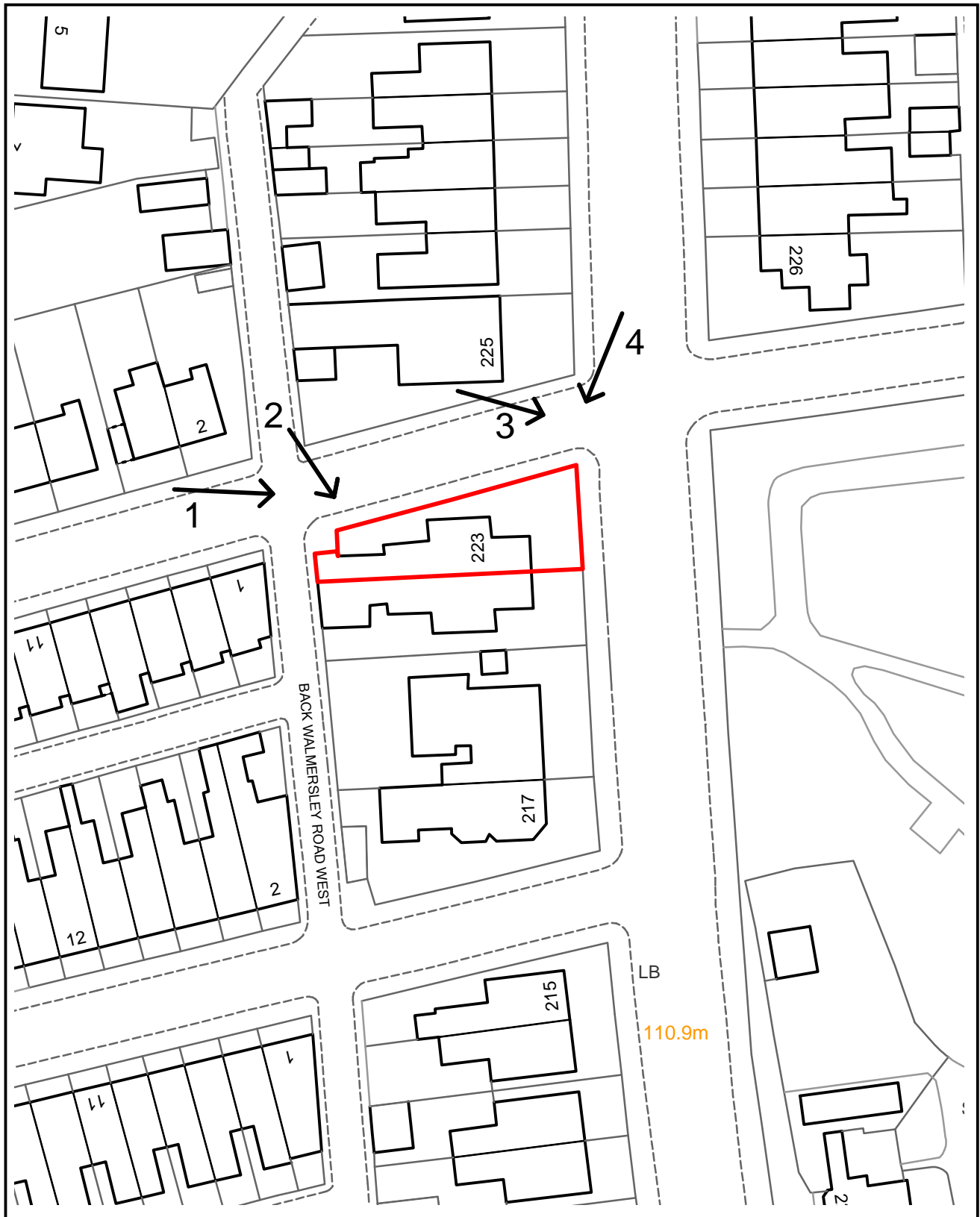
Recommendation: Approve with Conditions

Conditions/ 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 SHT 1 of 5, SHT 2 of 5, SHT 3 of 5 Rev A, SHT 4 of 5 Rev A and SHT 5 of 5 received 1st July 2021. The development shall not be carried out except in accordance with the details 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 amended car parking arrangements indicated on approved plan reference SHT 3 of 5 Revision A, incorporating the implementation of adequate measures to ensure that the existing footway crossing onto Birley Street is used to serve the enlarged hardstanding, measures to prevent the discharge of surface water onto the adjacent adopted highway and all ground works required to the adjacent footway required to reinstate it to its former condition prior to commencement of the development, shall be made available for use prior to the use hereby approved commencing and thereafter maintained available for use 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.

For further information on the application please contact **Helen Pressley** on **0161 253 5277**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 66822

**ADDRESS: 223 Walmersley Road
Bury**

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

66822

Photo 1



Photo 2



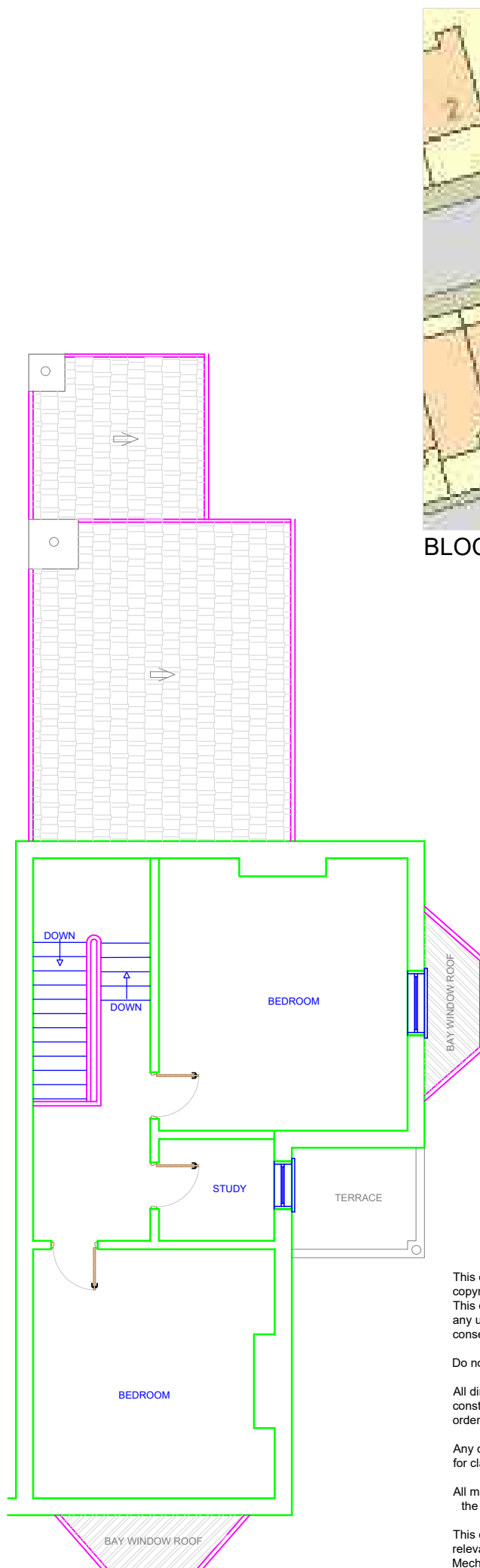
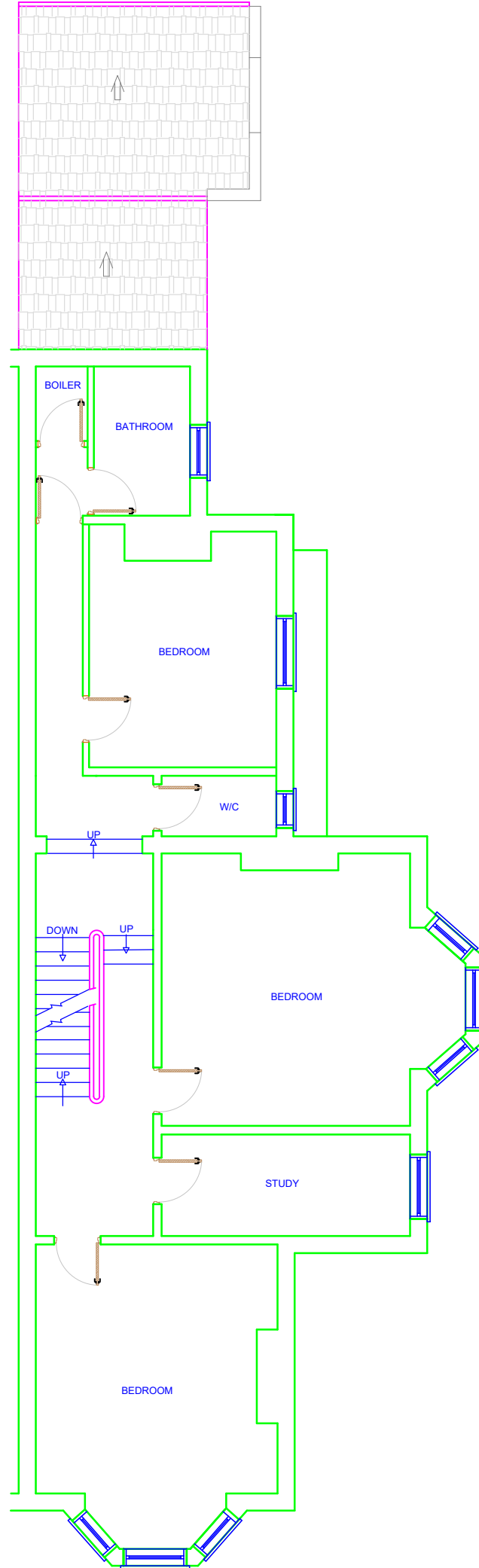
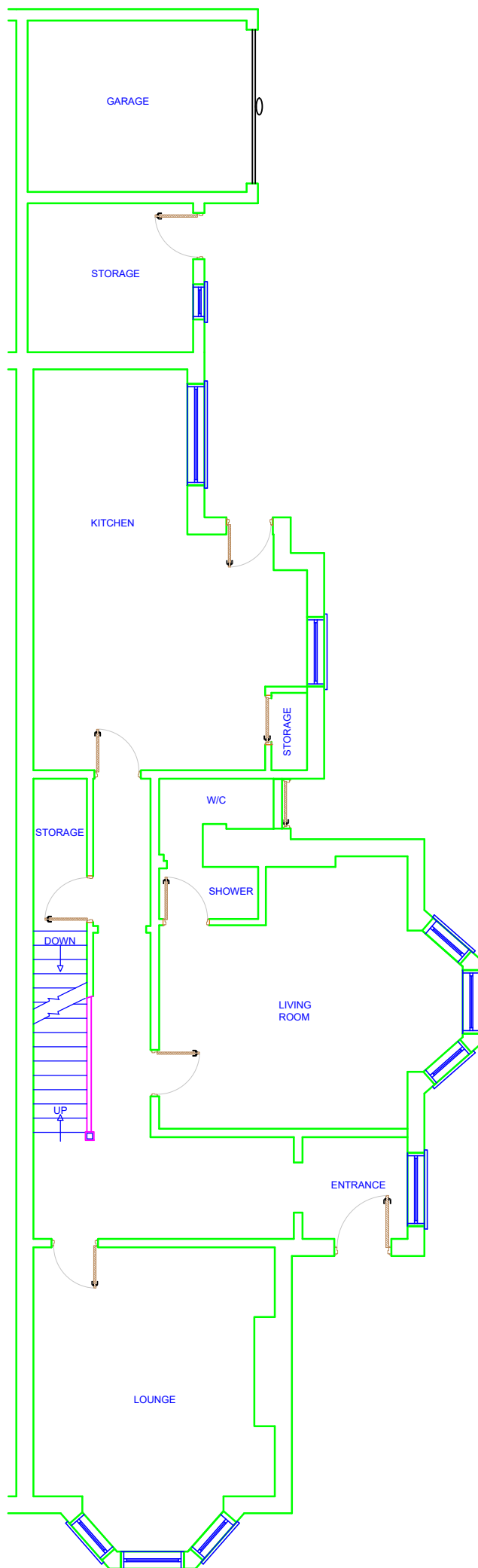
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Photo 3

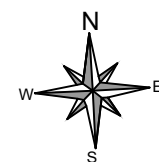


Photo 4





BLOCK PLAN @ Scale: 1:500



LOCATION PLAN @ Scale: 1:1250

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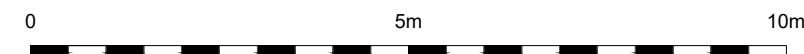
All materials and workmanship to be accordance with the current British Standards and codes of practice.

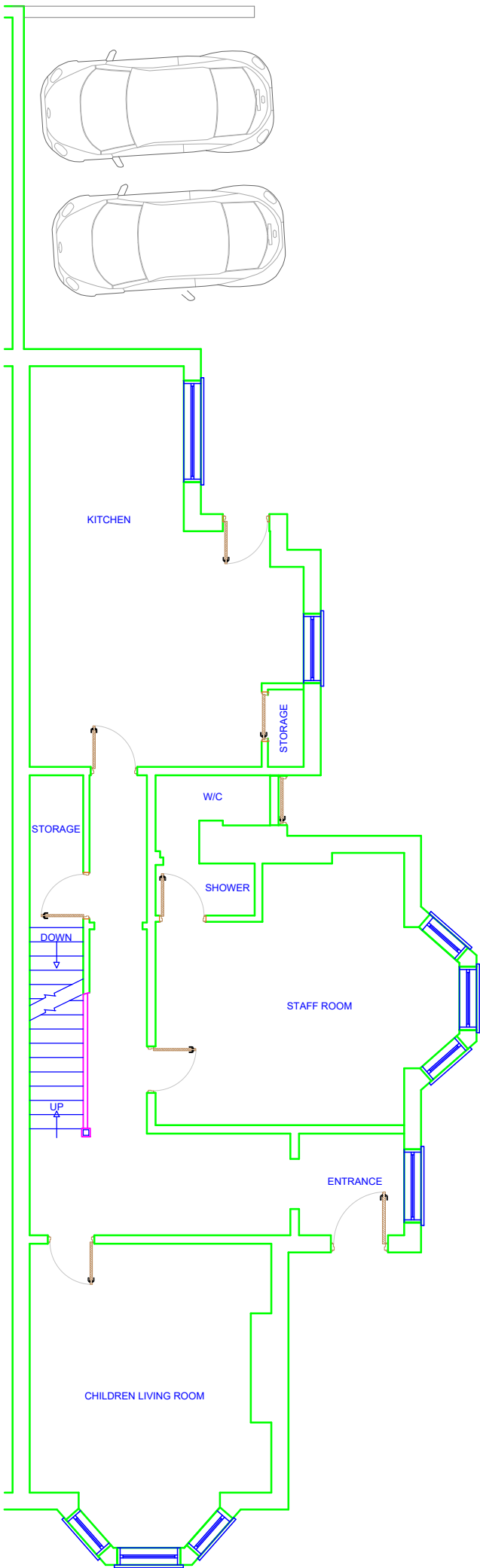
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IPS Planning Services
email: ipsuk@live.co.uk
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Bury, Lancashire,
BL9 0RP,
0161 8717405

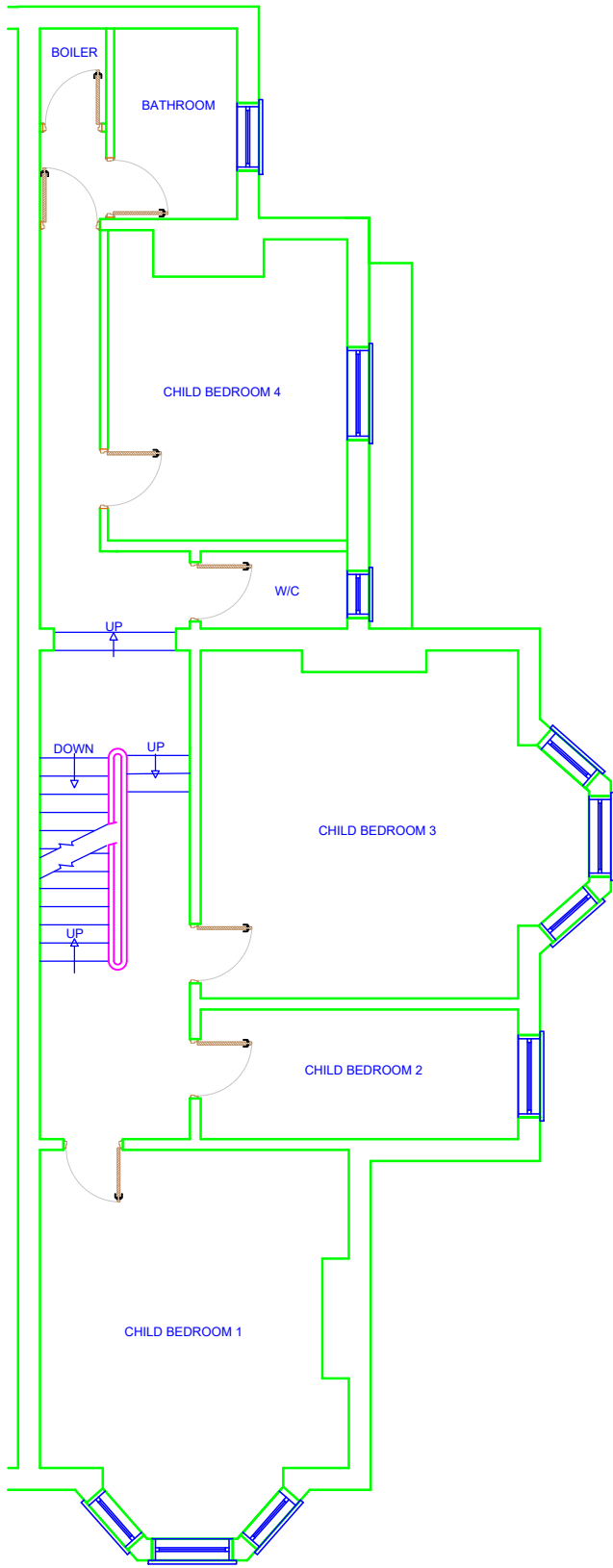
Existing Floor plans, Location & Block Plans
of 223 Warmesley Road, Bury, BL9 5DF

Scale :1 : 100 on A3	All Dimensions in Meters
Ref.: IPS/R/223/BL95DF	Date : 22/02/2021
SHT 1 of 5	Existing

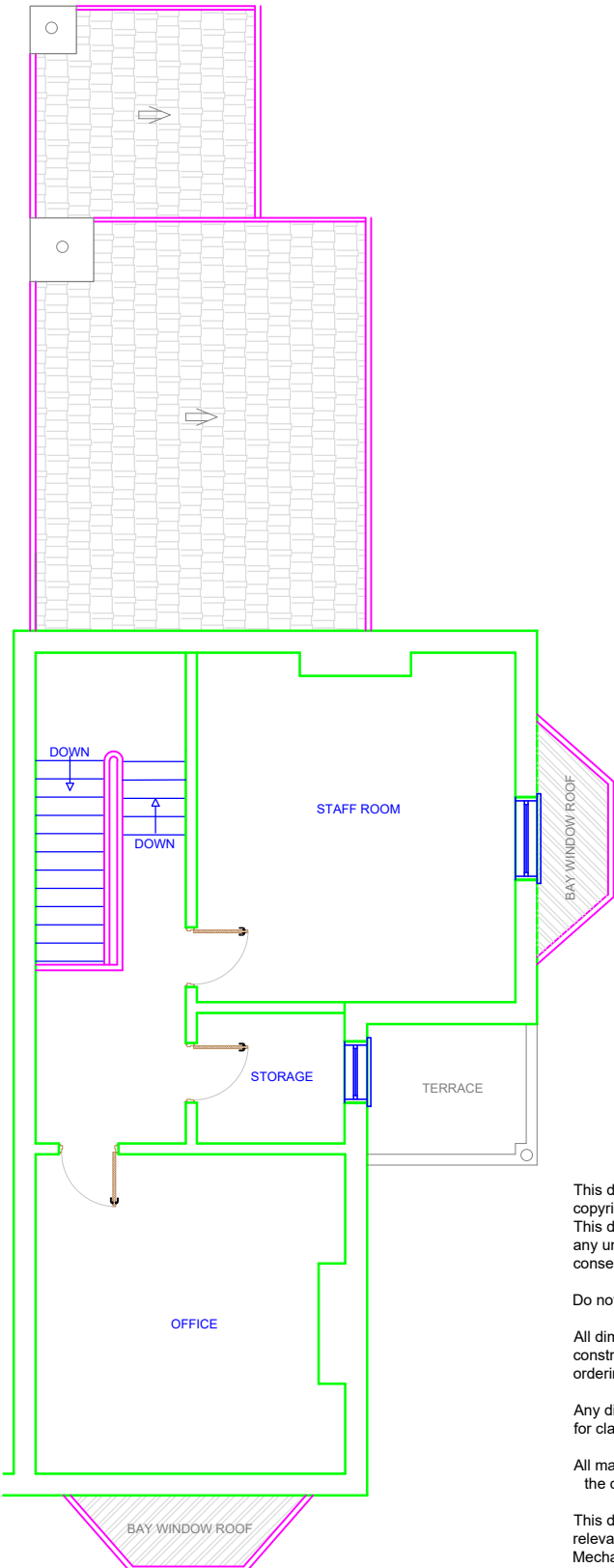




PROPOSED GROUND FLOOR PLAN

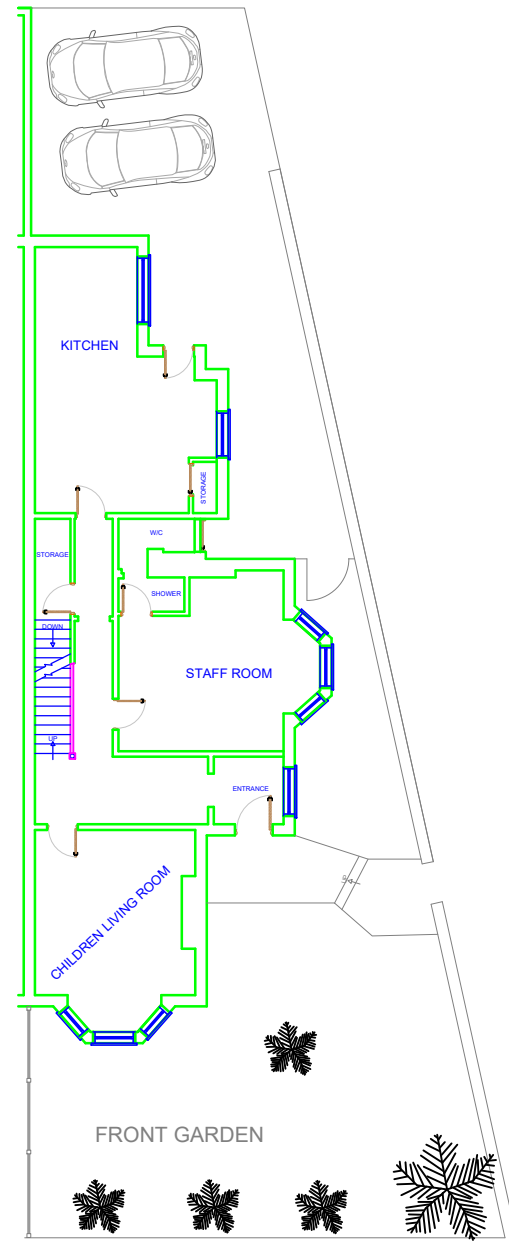


PROPOSED FIRST FLOOR PLAN



PROPOSED SECOND FLOOR PLAN

Note, The site is situated where there are no restrictions to the highway at side, also bus route is on walking distance, two cars can be parked off road parking space in the rear yard and garage.



PROPOSED GROUND FLOOR PLAN Incl. BOUNDARY
@SCALE 1:200

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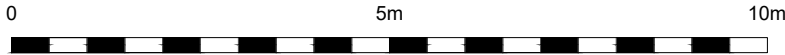
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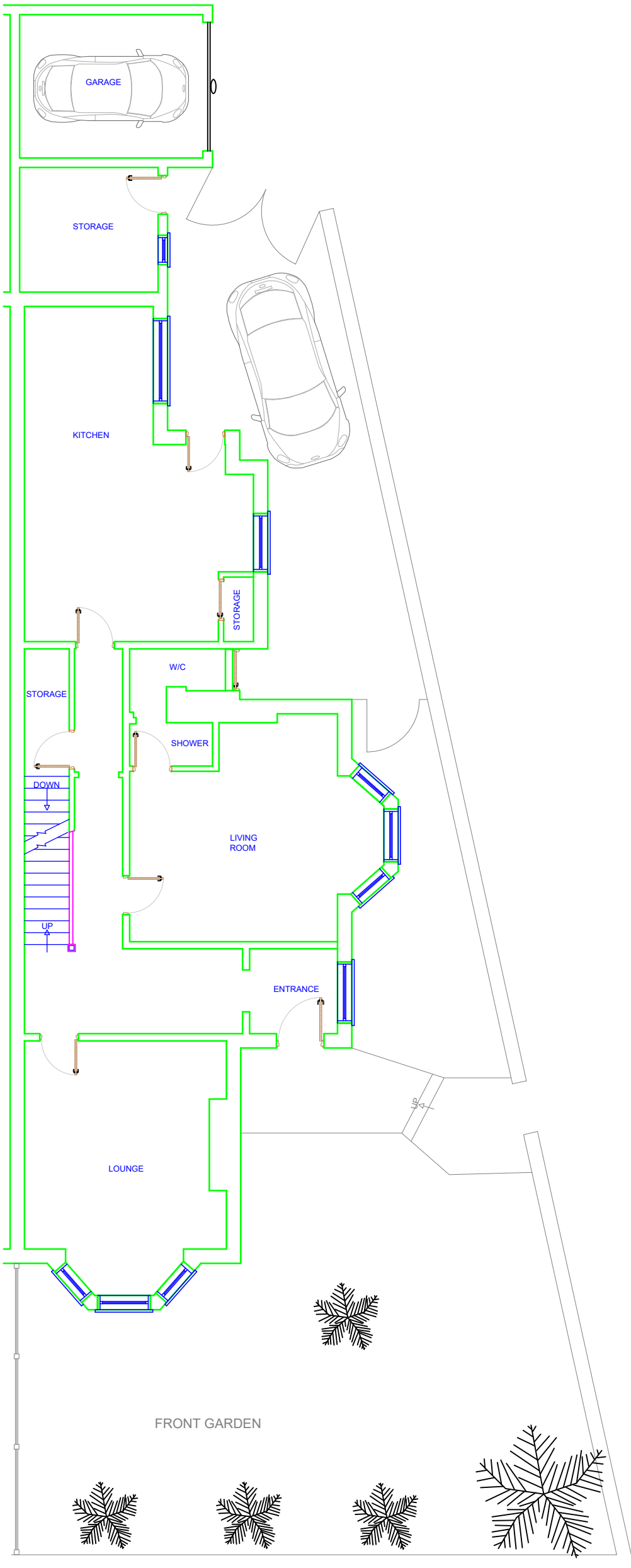
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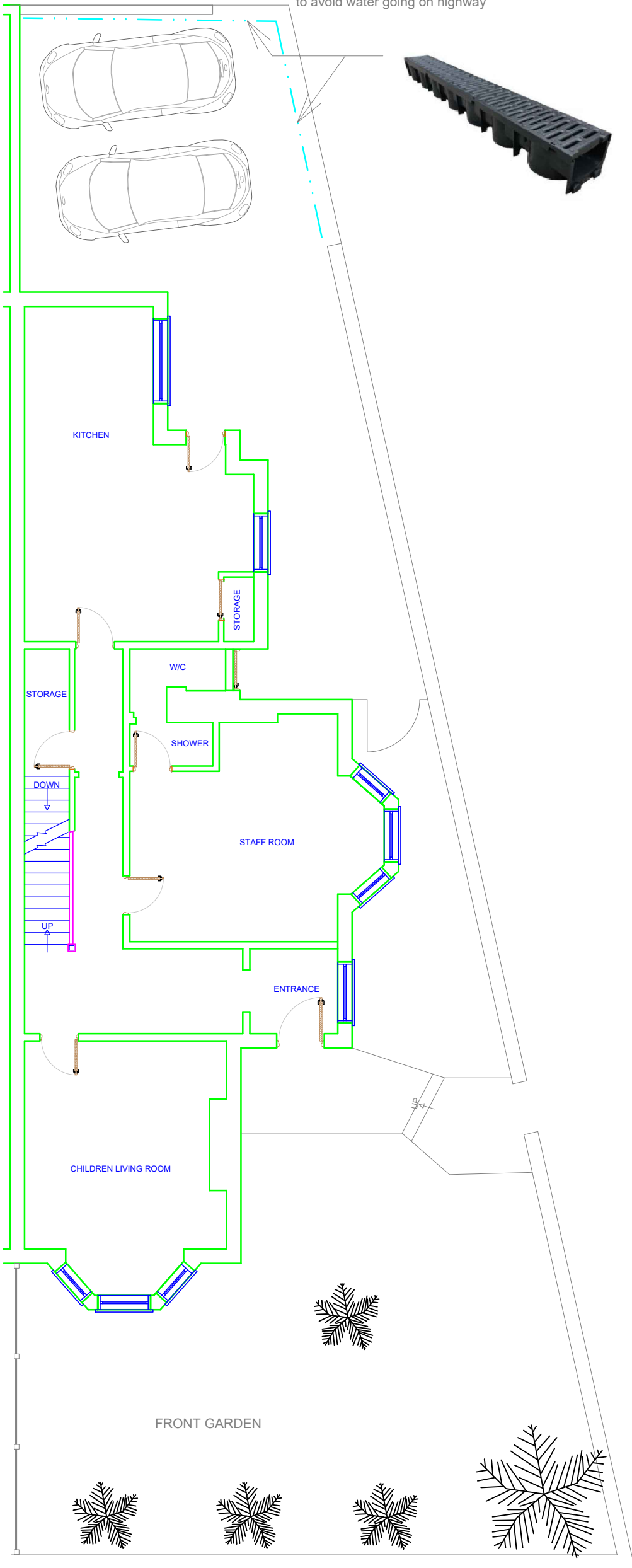
6b Cook Street,
Bury, Lancashire,
BL9 0RP,
0161 8717405

Proposed Floor plans, of 223 Warmesley Road, Bury, BL9 5DF	
Scale :1 : 100 on A3	All Dimensions in Meters
Ref:: IPS/R/223/BL95DF	Date : 22/02/2021
REV: A Date: 14/06/21 SHT 4 of 5	Proposal





EXISTING GROUND FLOOR PLAN Incl. BOUNDARY



PROPOSED GROUND FLOOR PLAN Incl. BOUNDARY

Note, The site is situated where there is no restriction to the highway at side, also bus route is on walking distance, two cars can be parked off road parking space in the rear yard and garage.

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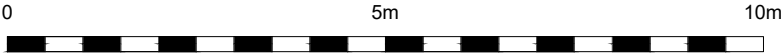
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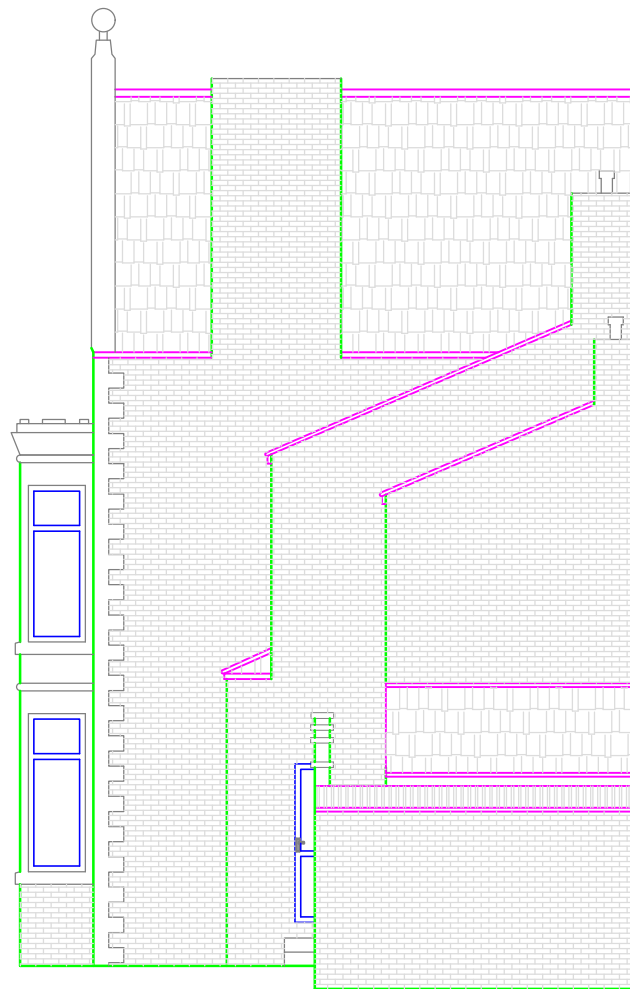
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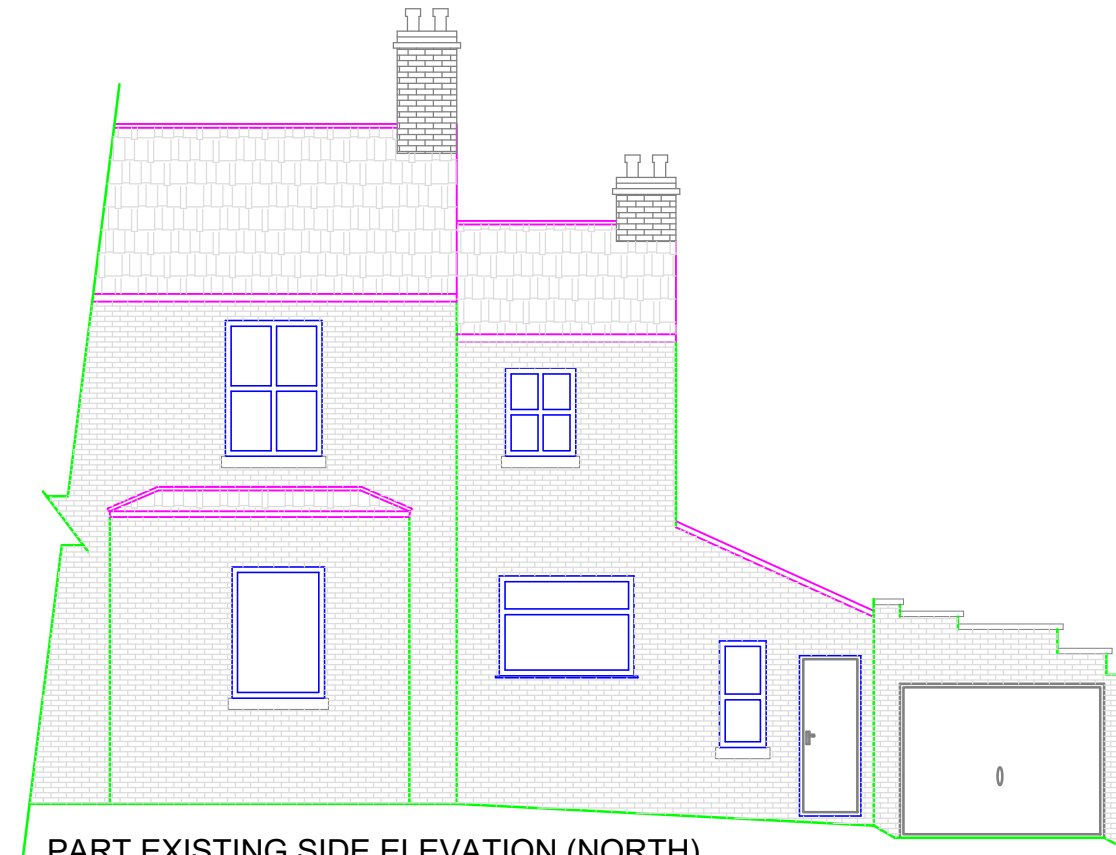
6b Cook Street,
Bury, Lancashire,
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0161 8717405

Existing & Proposed Floor plans Incl. Boundary of 223 Warmesley Road, Bury, BL9 5DF	
Scale :1 : 100 on A3	All Dimensions in Meters
Ref.: IPS/R/223/BL95DF	Date : 22/02/2021
REV: A Date: 14/06/21	Existing & Proposal
SHT 3 of 5	

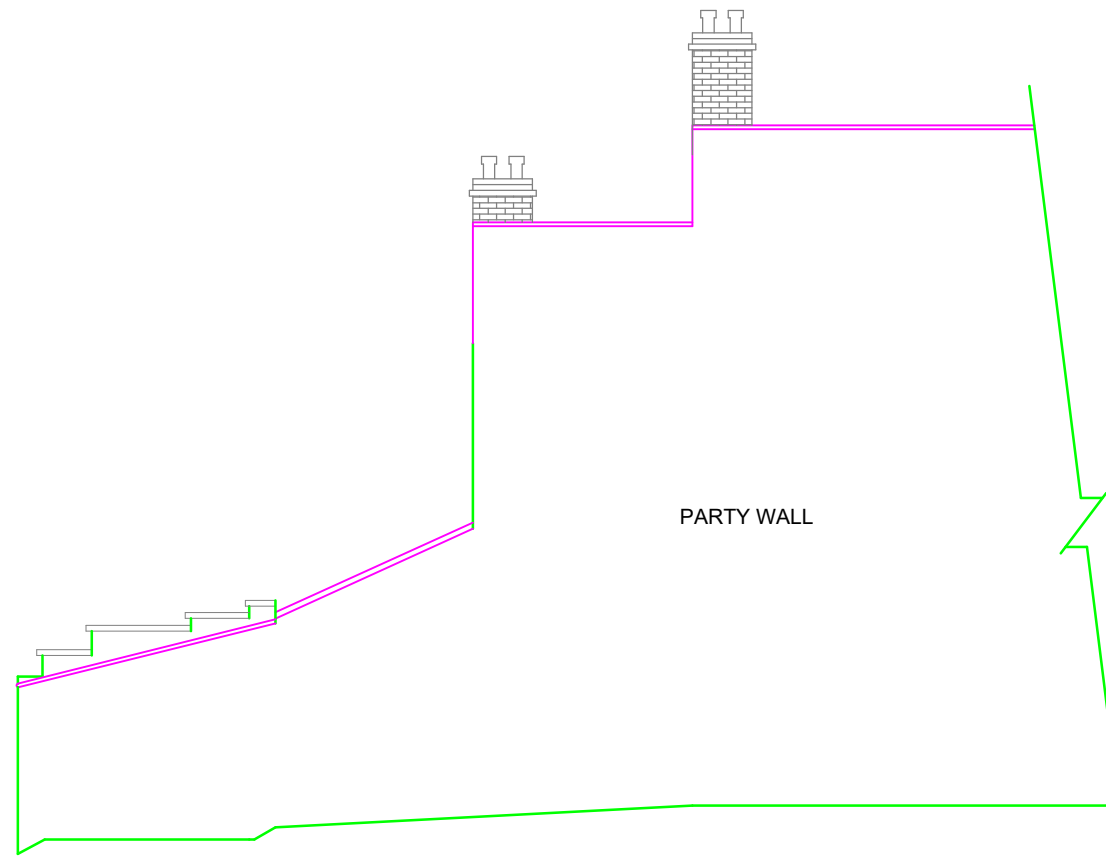




EXISTING REAR ELEVATION



PART EXISTING SIDE ELEVATION (NORTH)



PART EXISTING SIDE ELEVATION (SOUTH)

PARTY WALL

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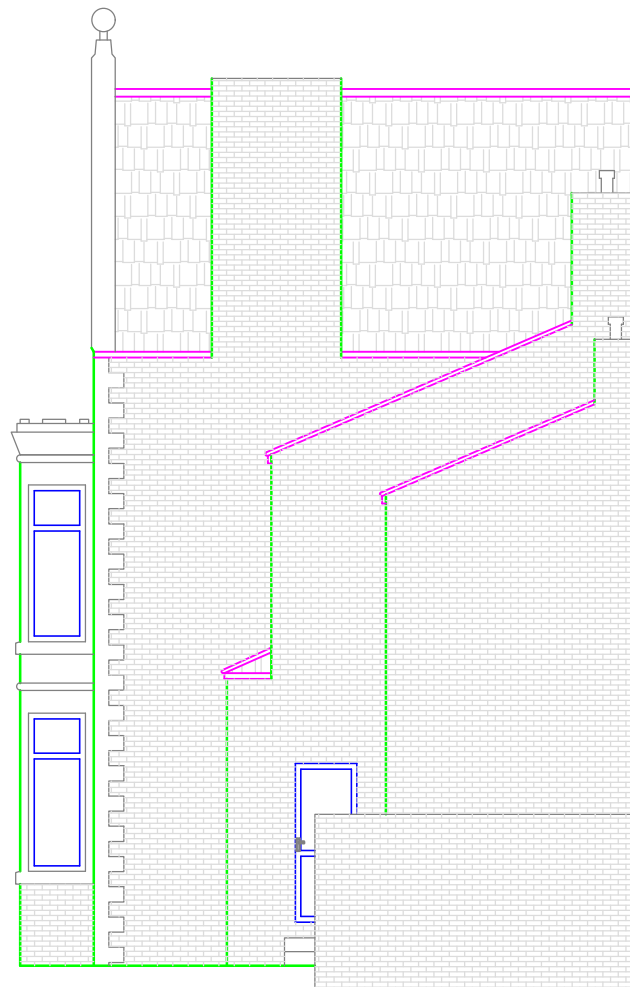
IPS Planning Services
email: ipsuk@live.co.uk
6b Cook Street,
Bury, Lancashire,
BL9 0RP,
0161 8717405

Existing Elevations
of 223 Warmesley Road, Bury, BL9 5DF

Scale :1 : 100 on A3	All Dimensions in Meters
Ref:: IPS/R/223/BL95DF	Date : 22/02/2021

SHT 2 of 5	Existing
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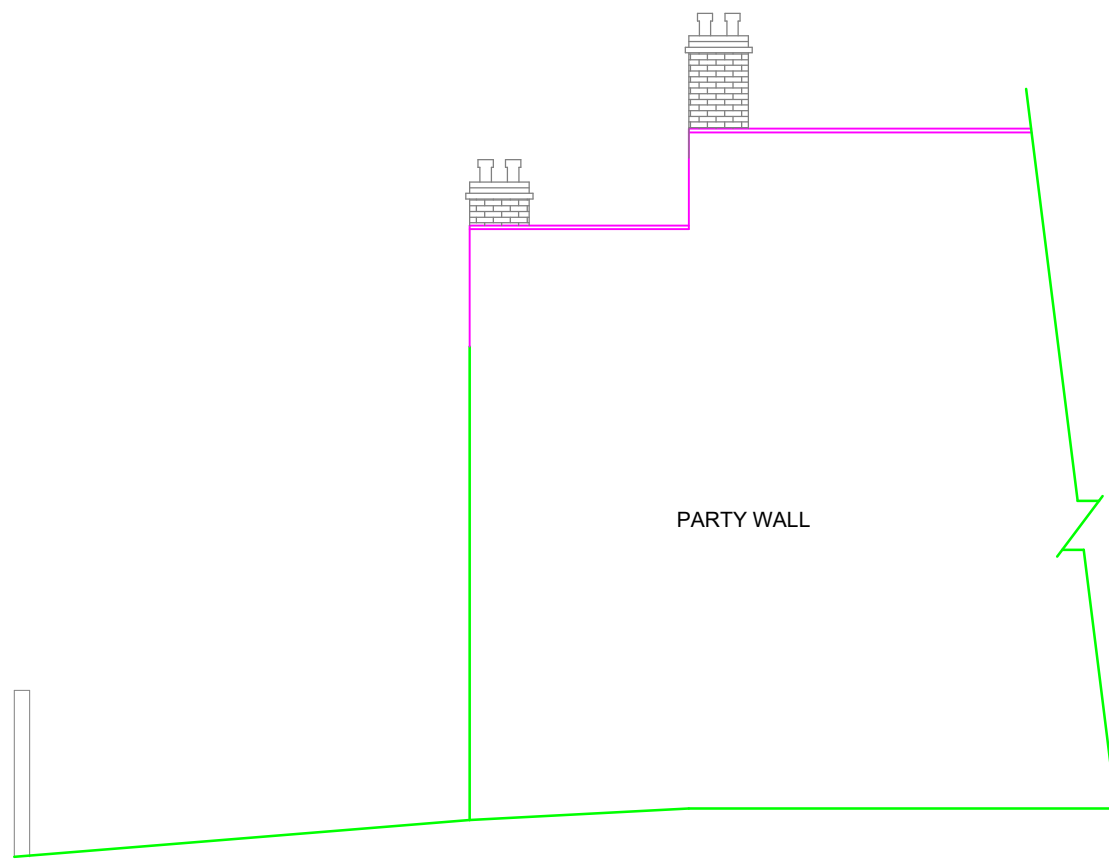
0 5m 10m



PROPOSED REAR ELEVATION



PART PROPOSED SIDE ELEVATION (NORTH)



PART PROPOSED SIDE ELEVATION (SOUTH)

NOTE: No changes to the front elevation

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Do not scale from this drawing.

All dimensions are to be checked on site prior to construction, manufacture of any components and ordering of materials and equipment.

Any discrepancies are to be reported to the architects for clarification.

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SHT 5 of 5	Proposal
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