

Ward: Bury West - Elton

Item 02

Applicant: Orchid Care Limited

Location: 78 Trimingham Drive, Bury, BL8 1EL

Proposal: Change of use from dwellinghouse (Class C3) to children's residential care home (Class C2) (maximum 4 no. children and 3 no. members of staff) including conversion of integral garage to additional living space and associated external alterations

Application Ref: 68878/Full

Target Date: 06/12/2022

Recommendation: Approve with Conditions

Description

The proposal relates to a 4 bedroom detached dwelling situated in a wholly suburban residential setting. It is flanked by similarly proportioned and styled dwellings. The dwelling has been extended at first floor and has a single storey rear extension. It has 2 off-street parking spaces in front of the integral garage.

The site falls within the built up area of Bury and is not designated within the Local Plan.

Background

The identified end user of the facility would be Orchid Care Limited, a children's residential care business, who also operate an elderly/dementia care home in Rossendale. The supporting information states that Orchid Care Limited seek to offer the best possible outcome for all children and to prepare them for adulthood. Children would live as a family would, as far as is practicable.

The operators have appropriate qualification in Social Care and Management, they and their staff are trained in safeguarding, challenging behaviour, moving and handling and risk management.

The proposal

The proposal is for a change of use from a dwellinghouse (Class C3) to children's residential care home (Class C2), with a maximum of 4 no. children and 3 no. members of staff, and including conversion of integral garage to additional living space (study area), which would entail the infilling of the garage door with a wall and window. The existing driveway would not be altered and would be retained with off-street parking for two vehicles.

Children would be aged between 11-16 years and would be in full-time education, either at local schools or if this isn't available, then they would receive home tuition (this would be dependent upon the particular circumstances at the time). The intention would be to transport children to school in one vehicle (if they were to be transported by private transport).

The property would be staffed 24 hours a day, 7 days a week, operating on a 12 hour shift basis, such that there would be a staff changeover in the morning and evening (2 staff changing at 08:00 and 20:00, although could be flexible). There would also be a Home Manager, who would be in attendance during typical office hours.

The maximum number of people at the property (including staff and guests) would be 7 (9 during the short period of handover, which would occur twice a day).

Social workers visits would be pre-arranged on a bi-monthly basis and there would be no planned medical staff attendances (because the home would not cater for young people with a physical disability). Formal meetings would generally take place away from the property and friends and family visits would be consistent with what could be reasonably expected at a six person family home.

At this stage, the applicant is not aware of specific individual children who would occupy the property. Until such time as a planning permission is in place and the applicant can therefore prepare the home for operation, it is not known what the individual needs of the children in the care system will be at that time. Therefore, where the submitted application is not explicit, such as the suggestion that home-schooling could be a possibility if local (or other) schools are not suitable, this is intentional to ensure the application is assessed and determined on the 'worst case' scenario in terms of the home being at maximum capacity with children with the most intensive and extensive needs.

Relevant Planning History

49677: First floor extension at side - Approved 07/05/2008

Publicity

The proposal has been advertised by direct neighbour notification letter.

85 representations have been received, **81 of which object to the proposal on the following grounds:**

Councillor Rydeheard

Location - The property is in the middle of a residential setting, and concerns have been raised over suitability. It doesn't seem in keeping with the area.

Reasoning - No detail has been provided regarding the background to these children, which concerns many elderly residents who live nearby. Would they be from a care background? Would this be a juvenile rehabilitation facility? Would it be a small orphanage facility? There is no clarity on this.

Traffic - The children would be in full time education, therefore will require regular transport to and from number 78. This would cause significant additional traffic.

Parking - There are three members of staff who would be working for the residential facility, plus any potential visitors, and I am concerned about the parking situation. It is opposite a t-junction, and may make the junction more dangerous.

Access, parking, highway safety and servicing

The proposed parking provision would be inadequate and would not meet the UDP (Appendix 4) requirements for sheltered housing (1 space per 2 staff and 1 space for visitors per 4 dwelling units) and there would be no service provision for deliveries/emergency services access.

On-street parking would create a hazard opposite a busy junction (which is often occupied by parked private hire vehicles) and associated traffic could double at staff handover making it dangerous for pedestrians and other drivers. Other visitor's vehicles would exacerbate the situation.

Any increase in the width of the dropped kerb would worsen the parking situation.

Unitary Development Plan Policy H4/2 - Special Needs Housing requires consideration of the sites gradient and Building Regs would require ramped access for wheelchairs. Insufficient waste facilities to support occupants.

There is a general lack of public transport services on the estate, which would increase congestion/street parking.

Increased on-street parking is likely to damage footways.

Amenity

The transient nature of child care would be in contrast to a typical family home and the property would result in a materially greater level of activity arising from comings and goings than an ordinary family home.

The spacing between the site and neighbouring dwellings would mean that the increase in noise pollution which would be detrimental to neighbouring amenity.

The property is too small to support 4 children and 3 staff.

A business is inappropriate in the middle of a housing estate

There would be the potential for anti-social behaviour. Staff struggle to control residents and police are often called. The neighbourhood could become dangerous for residents who are likely to suffer abuse, threats and violence from occupants and their "friends".

The type of leisure and social facilities that would be required for four children do not exist within walking distance of the site. The children would use nearby grassed areas which would have detrimental impacts on residents and visitors to Burrs Country Park.

Other matters

What benefit will this bring to the local community?

Would there be live-in staff and where will the staff quarters be?

Would there also be social workers and others visiting the property?

How often would staff changeover?

The mission of Brandlesholme Residents Association is to keep the estate residential.

Any additional hardstanding would contribute to further surface water.

Increased pressure on the effluent and water services on the estate.

More detail is required on how the facility would be run and how it would impact upon the area. The application doesn't stipulate what if any the childrens background needs are!

The Council should look to Greenmount as a more suitable location.

Police response times for anti-social behaviour should be factored into the decision.

Approval could set a precedent which would open the door to further expansion to other properties or inspire proposals from other sectors, which would negatively alter the whole character and dynamic of the estate.

What types of operation could occupy the property thereafter if the applicant was to vacate.

Is the property going to need secure access and how will this impact the boundaries onto other neighbouring houses?

Supporting documents do not demonstrate a need within the area for such a use or established that the facilities required for the use to become operational, have not been

validated by providers such as school placements, etc, which without that confirmation, the operational assumptions made cannot be validated and therefore not be accepted.

The Councils policy documents recognised the major shortage in the provision of residential properties, especially family accommodation, with this application proposing to take such accommodation away from this much needed of use, and thus reducing the availability of urgently needed residential housing stock.

There are many alternative suitable properties available within the Borough (that would not require planning permission) that would meet all the criteria noted within the application documentation.

The details contained within the application shows a property with a traditional UPVC conservatory, however the current property details submitted with the latest application, show a that large extension has been constructed to the rear of the property, replacing the small light weight structure, that would have likely required additional permission, and should be clarified prior to considering the current application.

There are contradictory statements in the supporting documentation e.g. 2 shifts during the day and one overnight shift. Two members of staff will be present at all times. Staff work on rota, completing a double shift and an overnight stay. Shifts start at 7:45am, those staff arriving at that time will finish work the following day. Meaning there is one handover per 24-hour period. Therefore, new staff arrive at 7:45am whilst the previous day's staff will leave by 8:15am. Meaning there is a 30-minute window for the staff handover.

The supporting statement is ambiguous and clarifies that the operational situation and arrangements may change and occupation of the property could increase e.g. if children receive home tuition, if meetings take place on site.

The information supplied does not detail or explain how the building is to be used, with the existing rooms notes as existing being the same as proposed use, but does not clarify residents' accommodation/bedrooms, etc, and the separate staff accommodation, including sleeping arrangements and office containing private and secure information.

We no longer dump children in homes, thank God: why are these children in a care home and not in the community.

Will these children attend school, and if so where. Implication: they will.

What building works will be undertaken?

Property values would be affected.

Is this a registered business?

The way this planning application information has been given to just a bare minimum of the neighbours suggest a hidden agenda.

There may be covenants on the lease of this property that prevent it being used for business purposes.

Fire alarm systems would have to meet mandatory requirements and there would have to be regular external audible testing with fire drills. What about internal escape routes, external congregation areas and how would this be proven to work. Young children easily panic.

What guarantees that all safeguards and certificates are in place and that the property would be kept in good condition if running costs get tight?

This property would not meet the legal requirements. 1, Each child has to have separate bedroom available can only share by agreement. 2, Workers cannot sleep in communal areas. Should also have Bedroom in close area. 3, Children must have access to a private area for study, meeting visitors, assessment visits etc.

There is a large discrepancy if the children are at development age.

Has anyone from the council checked the credentials of Orchid Care Ltd with Companies House?

Are the directors fit and proper?

Does the company have experience in caring for young people - why is it expanding, can it manage these responsibilities?

What is the company number, and its history, and why has the council not explicitly shared this information?

Is the council conducting itself as Liz Truss did re fracking, or will it seriously consider the elderly and disabled people living nearby

Size of current property would need substantial building work to meet the needed legally for the proposed property to become a Children's Care Home as required by Gov.Care Standards Act 2022 and Q C Standards e.g: Each child should have own bedroom for privacy and furnished to meet those detailed in the act above.

The mix of age, gender, ethnicity;
Staff accommodation, staff sleeping arrangements;
Private room for children to meet with parents etc;
A room for personal and private recreation for the children;
Kitchen sufficiently meets food hygiene and public use plus dining room.

3 representations support the application on the following grounds:

The children deserve a stable home to support them through their school life and give them the best opportunity to thrive.

The number of residents would not be much different to many private homes in the area. Smaller homes give a far better outcome for children than large institutionalised places.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to a condition securing the availability of the off-street parking spaces.

Environmental Health - Commercial Section: No objection.

Children's Centres & Early Years: No objection.

Waste Management: No comments received.

Greater Manchester Police - designforsecurity: No objection, subject to conditions concerning the maximum number of residents and age, minimum number of staff and visiting arrangements.

It is clear that this type of facility is best situated within the community.

Contracts and Commissioning Manager: No comments received.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
CF1	Proposals for New and Improved Community Facilities
CF1/1	Location of New Community Facilities
CF3	Social Services
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
H3/1	Assessing Non-Conforming Uses
H4/2	Special Needs Housing
EN7/2	Noise Pollution
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

ASSESSMENT

Policy

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. Account should also be taken to support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

Policy CF1/1 - Location of Community Facilities gives regard to factors including impact on residential amenity, traffic generation and parking, scale and size of development, accessibility to shops and services, suitability of the chosen location, public transport and needs/requirements of those with a physical disability.

Policy CF3 - Social Services considers favourably proposals for the provision of new, and the improvement of, existing facilities for children, young and the elderly, those with mental health or physical and special needs, encouraged to live in the local community rather than in large institutions. Support for new and improved services is supported providing that there is no conflict with existing residential amenity and the environment.

Policy 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.

Policy H4/2 - Special Needs Housing - seeks to support the provision of special needs housing recognising that specialist accommodation is needed for the most vulnerable members of society. Regard is given to factors including the convenience of location to

shops, public transport and community facilities, location of health care facilities, gradient and accessibility to public transport, parking and amenity provision and high standards of design, layout and landscaping to achieve a satisfactory environment.

Principle

Objections refer to the proposal being inappropriate in a residential area, by reason of traffic congestion/lack of parking, noise (from residents and vehicle movements), anti-social behaviour and access for occupants to social and leisure facilities.

The proposal relates to a detached 4 bedroom family dwelling located within a well-established residential estate. The application proposes to provide living accommodation for children in a setting that would be as close to a family environment as practicable. The property would not be required to be extended and permanent residents (i.e. the children) and support carers would occupy the dwelling in a manner broadly akin to occupation by a family. It is also noted that a residential occupier could convert the garage to create additional bedroom(s) without the need for planning permission (which would result in at least a 5 bedroom dwelling), as others have done on the opposing side of Trimmingham Drive.

The principle of the development would therefore be acceptable. Given the above, the proposed use would provide a valuable facility for more vulnerable members of society and as such would be compliant with the above UDP policies and the principles of the NPPF.

Design and visual amenity

The proposed layout would not fundamentally change from the current arrangements and physical amendments to the property, those being the infilling of the present garage door, would be minor in scale, appearance and substance.

Given the above, the building would continue to have the character and appearance of a passive suburban dwelling and there would be no detrimental impact on the street scene or residential character of the locality.

As such, it is considered the proposed layout would comply with UDP Policies EN1/2, H4/2, CF3 and CF5.

Impact on residential amenity

As discussed above, it is considered that the character and the scale of the use would be consistent with that of a family household occupying the existing 4 bedroom detached dwelling. The applicant has stated that one of the key objectives and ethos of the facility is to provide an environment which would be consistent with 'normal' residential living conditions and the regularity of daily living. It is intended the care home would function discreetly within the neighbourhood.

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

Changeover between staff would occur twice a day and would entail the transition of two staff early morning and evening. A Home Manager would be in attendance during typical office hours.

Clearly, households can take many forms and the current dwelling could be occupied by a family of up to around 6 individuals (possibly more if the garage was converted and other rooms were to be used as bedrooms). Furthermore, without planning permission, the dwelling could be utilised as a house in multiple occupation for up to 6 occupants.

Some objections refer to the potential for anti-social behaviour allude to the 'type' of occupants claiming that they may pose a danger for existing residents due to abusive, threatening and violent behaviour.

However, Greater Manchester Police do not support such claims, stating that such uses are best situated within the community (as in this case). Regardless, the character of individuals that may come to occupy a care home is not a material planning consideration. The assessment of impact on residential amenity relates to the nature of occupation (as a care home) and not (assumptions concerning) the character of individuals. The property would be occupied by children between the ages of 11-16, living as a family would and cared for by qualified staff. The objective would be to offer the best possible outcome for children and to prepare them for adulthood. Activity at the site would be passively routine and it would function as a typical suburban dwelling would.

Given such circumstances, and the potential alternative iterations for occupation of the dwelling, it is not considered that the proposed change of use of the dwelling would have a materially greater impact upon neighbouring amenity. Occupants would engage in education, social and recreational activities as any child could when occupying the dwelling as a family home.

It is therefore considered that the proposal would not conflict with the character of the area or have an adverse impact on the amenity of local residents. Given the above, the proposal would therefore comply with UDP Policies CF1/1, CF3, H3/1, EN1/2 and EN7/2.

Highways issues

Supplementary Planning Guidance (SPD) note 11 - Parking Standards in Bury sets a maximum standard for type of C2 care home at a rate of 1 space per 4 beds. Applications are to be assessed on their own merits and in consideration of their location and nature of intended occupation.

Objections in relation to traffic, parking and highway safety are outlined above. Some also state that the applicable parking standard should be those set for sheltered housing.

The proposal is not for sheltered housing (which is accommodation for elderly or disabled people consisting of private independent units with some shared facilities), therefore the applicable parking standard in SPD 11 are those attributed to care homes (Use class C2). Thus, the applicable standard is 1 space for every 4 beds. The applicable standard for 4 bedroom dwellings is a maximum 3 spaces.

There are two spaces on the drive pertaining to the property (some objections state that there is only a single space (Google Street View shows two cars parked side by side)). The site is located within the urban area of Bury in a high accessibility location. Clearly, the proposal meets the required standard.

By contrast, as a 4 bed dwelling, the property could quite reasonably be occupied by up to 5 car owners, plus there could be additional trips to the site by visitors, friends/family and from deliveries or servicing requirements associated with day to day living (noting how some driveways in the locality have been extended to potentially accommodate 3 or more cars).

The Council's Traffic Section does not object to the proposal. Even in a situation where the number of vehicles visiting the property exceed the off-street parking spaces available, on-street parking is not restricted (aside from dropped kerbs) and vehicles would be able to park freely in the vicinity without obstructing the carriageway or footway. However, given that the site is located in a high accessibility area, it would be reasonable to consider that some staff members may travel by public transport.

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

door is shallow.

SPD 11 indicates that cycle storage provision should be provided for two bicycles. This could be secured by condition.

In such circumstances, it is not considered that the proposal would have unacceptable impacts on highway safety that would warrant or sustain an objection to the application. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Response to objectors

Many matters raised in objections are not material to the assessment and determination of the planning application. Therefore, the matters referred to below omit those that have been addressed in the above assessment or where they would not be material.

Increased pressure on the effluent and water services on the estate.

The property would be occupied as a family could in relation to numbers and the manner of occupation.

More detail is required on how the facility would be run and how it would impact upon the area. The application doesn't stipulate what if any the children's background needs are!

This is set out in the description and above assessment.

The Council should look to Greenmount as a more suitable location. There are many alternative suitable properties available within the Borough (that would require planning permission) that would meet all the criteria noted within the application documentation.

The application has to be assessed on its merits and not compared to other locations.

Approval could set a precedent which would open the door to further expansion to other properties or inspire proposals from other sectors, which would negatively alter the whole character and dynamic of the estate.

Planning applications are assessed and determined on the individual merits of the proposal. Applications at other locations would also be required to be assessed as such.

What types of operation could occupy the property thereafter if the applicant was to vacate.

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

Is the property going to need secure access and how will this impact the boundaries onto other neighbouring houses?

The requirements (in so far as they require planning permission) are set out in the proposal.

Supporting documents do not demonstrate a need within the area for such a use or established that the facilities required for the use to become operational, have not been validated by providers such as school placements, etc, which without that confirmation, the operational assumptions made cannot be validated and therefore not be accepted.

The planning assessment does not require that the proposal establishes a need for the proposal.

The Councils policy documents recognised the major shortage in the provision of residential properties, especially family accommodation, with this application proposing to take such accommodation away from this much needed of use, and thus reducing the availability of urgently needed residential housing stock.

There are no UDP policies that protect against the loss/change of use of dwellings.

The details contained within the application shows a property with a traditional UPVC conservatory, however the current property details submitted with the latest application, show a that large extension has been constructed to the rear of the property, replacing the

small light weight structure, that would have likely required additional permission, and should be clarified prior to considering the current application.

It has been confirmed that the rear extension was erected with the benefit of permitted development.

Other matters

Greater Manchester Police have recommended the attachment of conditions concerning the maximum number of residents and age, minimum number of staff and visiting arrangements.

These are matters that pertain to Ofsted registration and is not therefore the jurisdiction of the local planning authority, unless there were clear planning reasons for such, for which there are not. Furthermore, there are no such controls relating how the present or neighbouring dwellings can be occupied and function.

CONCLUSION

Whilst there are objections to the proposal, the development has been assessed as not having any unacceptable impacts upon the general amenity and safety of neighbours and guests, visual amenity or highway safety.

Given the above, the proposal would be compliant with the above stated UDP policies and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ 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 drawing
Site Location Plan, Proposed Ground and First Floor Plans (Dwg No. RJS001_PL_001 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 premises to which this approval relates shall be used for residential care only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).
Reason. To ensure the intensification and scale of uses in the property does not

extend beyond acceptable levels which could cause impact to residential amenity and highway safety in respect of the associated parking, access and servicing requirements or general activity and disturbance pursuant to policies EN1/2 - Townscape and Built Design, CF3 - Social Services, H4/2 - Special Needs Housing, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict of the Bury Unitary Development Plan.

4. The external finishing materials for the proposal hereby approved shall match those of the existing building.

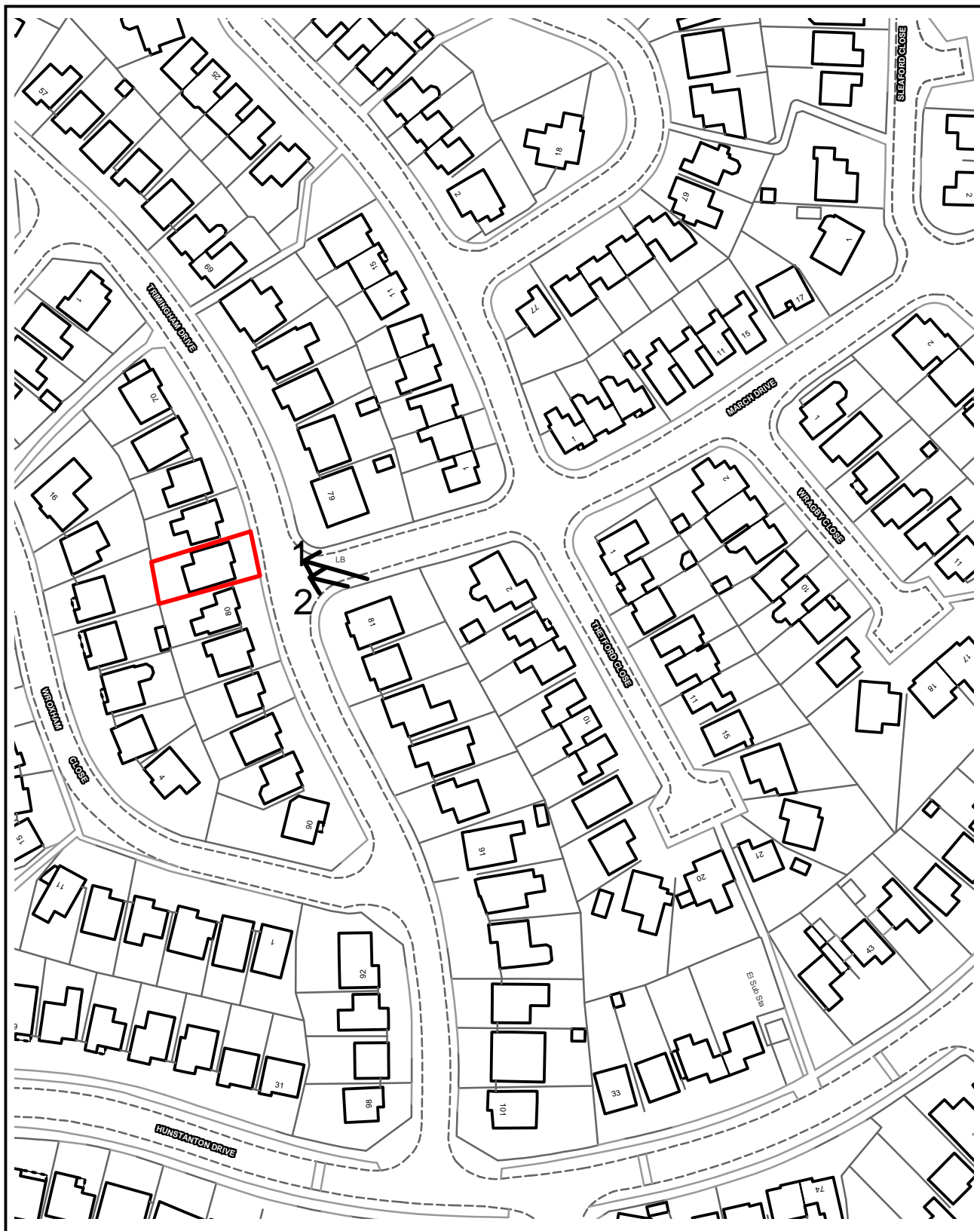
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

5. The use of the building hereby approved shall not commence until secure cycle parking for two bicycles have been provided at the site. The facility shall remain available for users of the development thereafter.

Reason. To secure satisfactory cycle facilities on site and in accordance with Unitary Development Policies HT6 - Pedestrians and Cyclists; HT6/1 - Pedestrians and Cycle Movement.

For further information on the application please contact **Dean Clapworthy** on **0161 253 5317**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 68878

ADDRESS: 78 Trimingham Drive Bury



Bury
COUNCIL

Planning, Environmental and Regulatory Services

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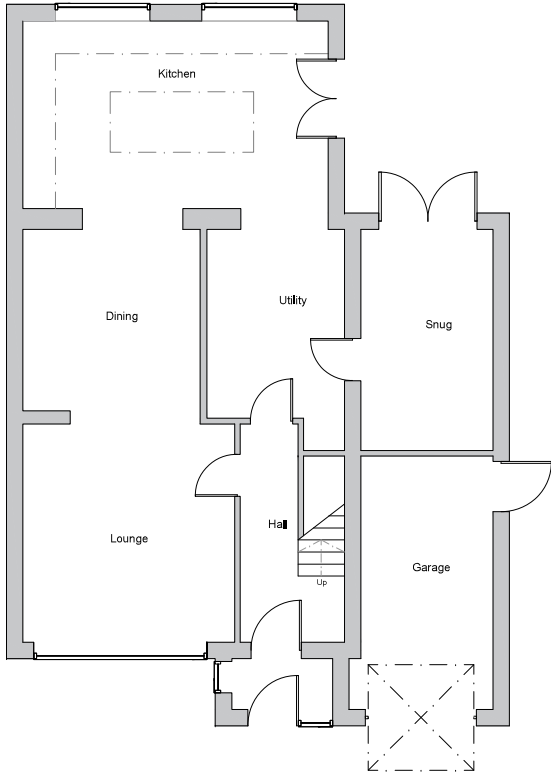
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Photo 1



Photo 2

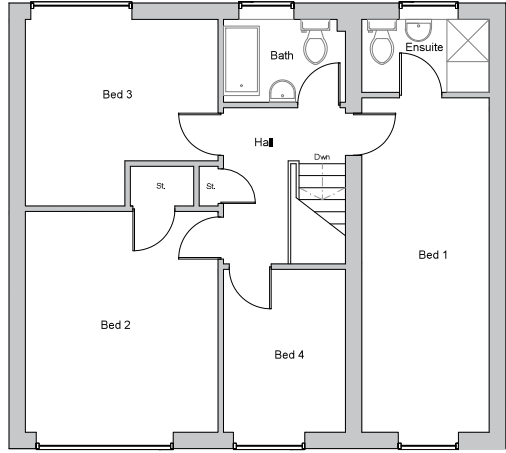




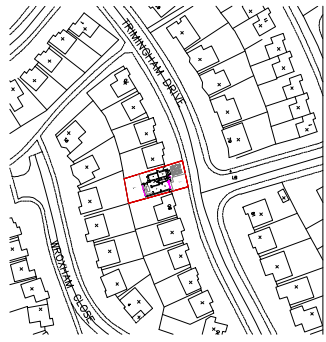
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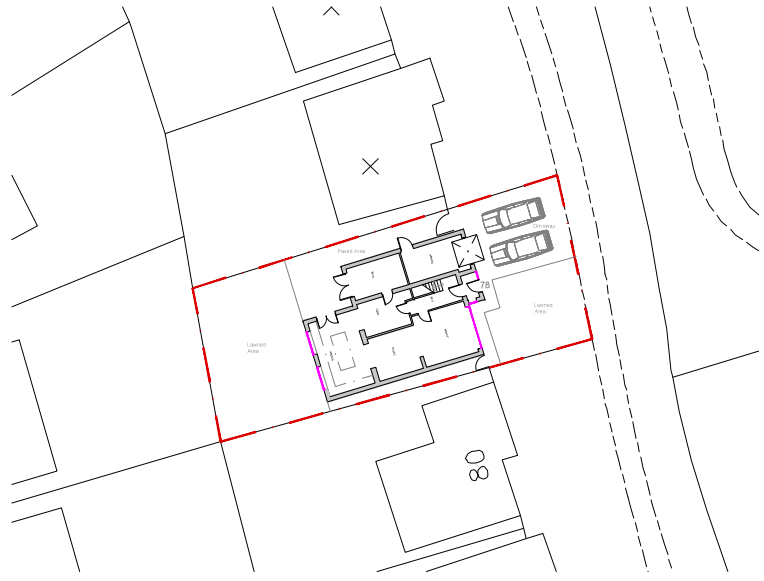
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Existing First Floor Plan
Scale - 1:50@A1



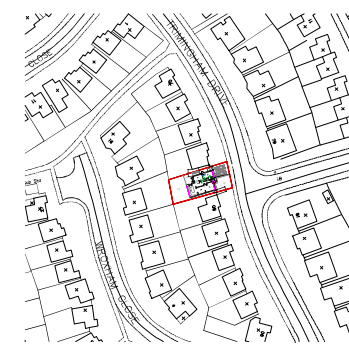
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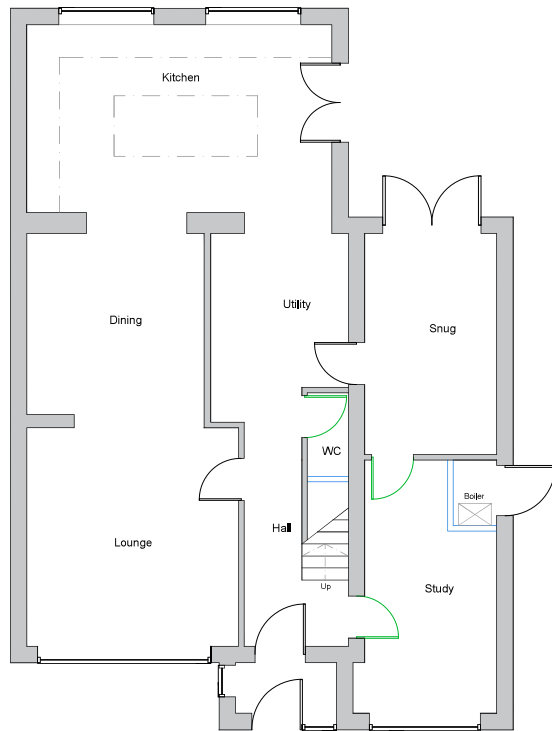
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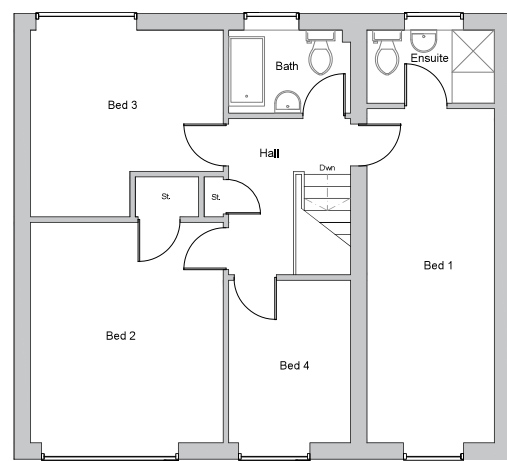
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 - ☐ AGREED LAYOUT - SIGNED OFF
 - ☐ PLANNING DRAWING
 - ☐ BUILDING CONTROL DRAWING
 - ☐ TENDER DRAWING
 - ☐ CONTRACT DRAWING
 - ☐ CONSTRUCTION DRAWING
 - ☐ AS-BUILT DRAWING



OS Location Plan
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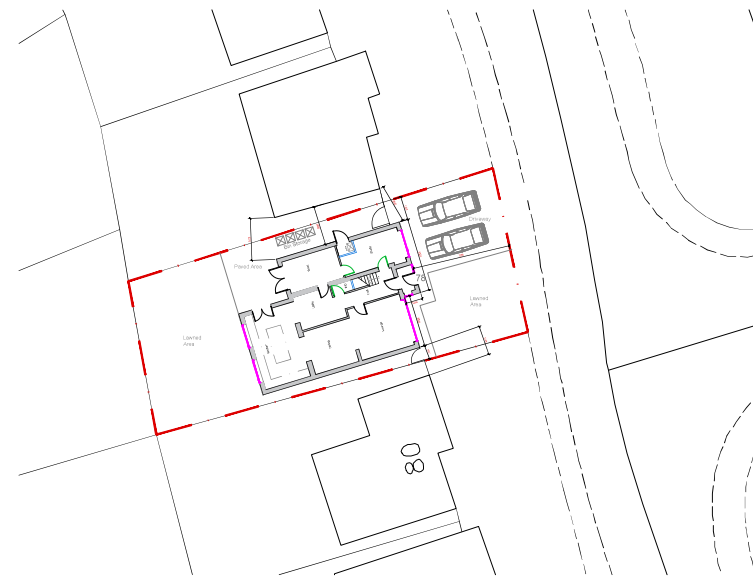
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Proposed First Floor Plan
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Proposed Front Elevation
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Proposed Site Plan
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