

**Ward:** Bury West - West

Item 07

**Applicant:** Care Today Children's Services

**Location:** 21 Orpington Drive, Bury, BL8 2PJ

**Proposal:** Change of use from residential dwelling (Class C3) to children's residential care home (Class C2)

**Application Ref:** 69612/Full

**Target Date:** 13/07/2023

**Recommendation:** Approve with Conditions

### **Description**

The application relates to 21 Orpington Drive, a 6 bedroomed detached residential dwelling which is located within a residential estate. The area is characterised by similar detached type dwellings and the property shares boundaries to houses on Haig Road and Warlingham Close. Opposite is Wellington Square, a social housing development.

The application property is detached and accommodation comprises living accommodation at ground floor and 6 bedrooms at first floor. The property has a circulatory driveway and parking for up to 3 cars. There is a rear garden with a detached garden store in the north western corner.

The application proposes the change of use from residential dwelling (Class C3) to children's residential care home (Class C2).

The property would accommodate up to 4 children between the ages of 7 and 17 years old. Support staff would operate on a shift pattern. There would be 2 members of staff working on a rota basis during the day and night time and a Manager on site Monday to Friday during office hours.

Shifts would start at 10am for a 24 hour period whereon there would be a staff changeover.

Visitors to the site would be infrequent with pre-arranged visits by support staff/social on a bi-monthly basis. and more formal meetings held away from the site. There would be no planned medical staff required to attend.

Internally the accommodation would remain the same apart from providing sleep facilities for the staff.

Externally, it is proposed to add a porch. This would be 3 sqm in floor area and less than 3m in height and as such permitted development.

There would be no changes to the access or driveway and the rear garden would continue to provide the amenity space for the property.

### **Relevant Planning History**

N/A

### **Publicity**

Letters sent on 19/5/23 to 9 properties.

12 objections received raising the following issues -

- Excessive noise and traffic
- 6 bedrooms each likely to have more than 1 occupier
- Disturbance to residents

- Most neighbours have been long term residents and have got used to a certain quality of life
- Surrounded by good quality housing and command high quality values
- The entrances from Haig Road and from Bolton Road off Orpington Drive are always narrow because people from private offices and other establishments park their cars on both sides of the road during the daytime. On the weekends, parents park their cars all over the place (including in front of driveways at times) as their kids are playing in the sports ground nearby.
- In addition, given it will be a 24-hour facility requiring the attendance of support staff working shifts or visiting in emergency situations, it will increase the number of vehicles requiring access to and egress from the property and will clearly increase noise and disruption throughout the entire day/night.
- The property backs onto my garden, and any disruption or disturbances that arise within the property and its grounds, potentially at any time during the day or night, will have an impact on my family and property.
- For the last few years we have been plagued especially in summer time by rowdy teenagers hanging out until quite late at night round the barracks. This has caused immense disturbance to our rightful peace with hoards of youngsters walking up and down Orpington drive causing noise disturbance. There have been instances of screaming and yelling in the middle of night, rowdy youngsters fighting amongst each other etc. There have been knocks on the door by teenagers waking us up at night.
- The proposed change of the house at 21 Orpington drive will increase and add to the safety and security concerns to us. We already concerned by the disturbances and the presence of more youngsters who unfortunately come from a troubled background may lead to unnecessary trouble for the residents.
- Have small children and are increasingly concerned.
- I feel that such facilities will not fit our current neighbourhood and may bring trouble within the area.
- The uncertainty of background checks and current needs of the children are concerning. There are many elderly residents who this may affect. They have chosen to retire in a quiet neighbourhood and it could be detrimental to their well-being if a children's residential unit is facilitated.
- It will cause a rise in traffic within the area. My children enjoy playing out on the street, as not many cars pass through. A care home will create further hazards to pedestrians. Furthermore, there is little space for parking and will result in a build-up of park cars in the street which could lead to further hazards.
- Trust the planning authority will take my objections seriously and make a well-informed decision.
- I have worked in the Education System as a Director of Inclusion and whilst I have empathy for these vulnerable children, from experience, carers have limited authority if a child behaves in a non compliant manner. If the child is non responsive to the carers expertise nothing can be done until police intervention. As a result children could be left walking the streets until an already over stretched police dept give potential help. These actions comprise the safety and security of the neighbourhood.
- Although we do not know the history of the children in care a number will have had a disadvantaged start resulting in social issues impacting on the two older vulnerable communities at either end of Orpington Drive . In particular the one directly opposite the proposed care home.
- Hazards in increased parking would result from the care home leading to congestion and the safety of resident children. Bury Cancer Centre local industries and the sports club park on Orpington
- The proposed children's residential care home is not in line with the existing character of our neighbourhood.
- Urge you to prioritise the needs and concerns of the local residents
- Concern about the noise and making my children feel unsafe and scared wholly unsuitable for a residential area with other residents including young children so close and does not take any of the other residents safety or privacy into accounts.
- The garden of my property is easily visible from the bedrooms of the above property I

am concerned for the safety of my children in general and feel their privacy and well being is at risk as a result of this. I don't want my children potentially being watched, feeling uncomfortable or scared will at home or in their garden.

- Concerns that any child in the above property could easily access my property and could take a liking to my young children in particularly my young daughter and I'm concerned for her safety. I'm also concerned about the potential for anti social behaviour and the mental and physical well being of my children.
- One bathroom does not seem suitable for 6 people
- Impact on property values

Those who have made objections have been informed of the Planning Control Committee meeting.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - No objection

**Children's Centres & Early Years** - No comments to make

**Environmental Health - Pollution Control** - No comments

**Greater Manchester Police - designforsecurity** - No response received.

**Waste Management** - No response received.

**Pre-start Conditions** - Not relevant

### **Unitary Development Plan and Policies**

NPPF	National Planning Policy Framework
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN7/2	Noise Pollution
CF3	Social Services
CF3/1	Residential Care Homes and Nursing Homes
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
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.

#### **Policies**

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.

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

### **Principle of the proposed use**

The application proposes a residential care accommodation to provide a sense of normal family living conditions within a safe and secure environment for children in care.

The occupation of by children and adults and the use of the property for daily living purposes would be comparable to that of a family home and would require little if any alterations or adaptations.

The property is located within a residential area with close access to shops, local amenities and schools and it is therefore considered the location of the proposed use would be acceptable.

The applicant and the use would be bound by Ofsted regulations with the condition that there would be no more than 4 children in care at any one time.

It is therefore considered that the proposed use would make a positive contribution to the care and protection of children/young adults residing at the premises and as such should be welcomed and supported.

The principle of the proposed development is therefore considered to be acceptable and would comply with UDP Policies EN1/2, CF3 and CF3/1 and the principles of the NPPF.

### **Scale and intensification of use**

Section 55 of the Town and Country Planning Act as amended, provides that only material changes of use would constitute development and therefore require planning permission.

A change of use of land or buildings from one classification of use to another use within the terms of the Use Class Order 1987 is dependent upon whether the change would be considered 'material' and therefore development.

In this case, the planning judgement is whether the change of use would significantly impact the immediate area or change the character and perception of the property as a dwellinghouse in terms of the scale and intensification of the proposed use.

In terms of the arrangements of shift changeovers, these trips would only be at certain times of the day, and only on one occasion in respect of the care staff cross-over which would occur at the time of 10am. The only other arrival and departure in a 24 hour period would be the manager on weekdays. The daily routines of the children and carers would operate similar to a family, involving journeys to school, extra curricular activities and routine chores.

Such activity and trips are considered to be generally representative of the type and number of trips carried out by a family household, where there could be 2 parents leaving and departing for work, additional school drop-offs and all the other comings and goings during the week which are part of daily life.

The attendance and visits by social workers/support workers on a bi-weekly basis would introduce additional but fairly irregular trips, and no more frequent than trips made by a family's relatives or friends for example.

For all intents and purposes, the scale of proposed development and the daily routines of the occupiers would operate the same as a family home and it is therefore considered that

the proposed change of use would not change the character of the residential area or intensify activities at the site beyond that of a 'typical family' household.

It is therefore considered that the principle and the scale of the proposed change of use would not have an adverse or detrimental impact on the character or the amenity of the surrounding area or adjacent properties and would comply with UDP Policies EN1/2, CF3 and CF3/1.

A number of uses fall under the umbrella of Use Class C2 (residential institutions), including a hospital or nursing home, residential school, college or training centre. The size of the property and the existing parking and access may be sub standard for such other C2 Uses and as such it is considered reasonable to control the use for a child care facility only and for a maximum of 4 children at any one time. Appropriate conditions to this effect would therefore be included.

**Layout** - The layout, arrangement and appearance of the dwelling would largely remain the same.

The existing dwelling has a circular driveway and parking for 3 cars which would be maintained.

At the rear is a garden which is bounded by fencing on all sides. The relationship to adjacent properties would not change in this respect. There is ample room at the side/rear of the dwelling for bin storage and there would be no requirement for any additional provision beyond that already provided.

Internally, the only change would be to convert the ground floor utility to an office/sleep area for staff.

Conversion of an internal space to living/bedroom accommodation does not require planning permission and could be carried out at any time and by existing or future occupiers if its use continued as a C3 dwelling.

It is proposed to add an open-sided front porch, the dimensions of which would be within the limits for permitted development for a dwellinghouse and not require consent.

The proposed condition to limit the number of staff and children residing in the property at one time would ensure that the property would continue to operate similar to that as a residential dwelling.

It is therefore considered that there would not be a detrimental impact on the character of the residential use or appearance of the existing dwelling, which would for all intents and purposes, continue to function as any other dwelling in the area, and as such no apparent change or impact on the character of the residential setting in the locality.

As such, it is considered that the proposal would comply with UDP Policies EN1/2, CF3 and CF3/1.

**Impact on residential amenity** - The character of a family home and the general day to day activities is one which tends to generate a number of comings and goings, visits by family and friends, deliveries etc and the proposed development would similarly operate in this respect.

Whilst 3 staff would be on duty during the day and there would be some comings and goings from dropping/picking children up from school, clubs, activities or other trips out, this would be commensurate with the workings of a family home and as such it would not be expected that the proposed use would generate any more disturbances in terms of visits or disruptions to the site than currently exists

The applicant would need to undergo an Ofsted inspection and the applicant states that

there would be no circumstances in which more than 4 children would reside at the property which would be a legally binding agreement with Ofsted.

Living within a community environment and providing the children with a 'normal' and stable lifestyle is also one of the reasons for accommodating children within a residential environment, and it is therefore in the interest of the applicant that they integrate with neighbours and the community rather than be a cause of conflict.

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

**Highways issues** - Local residents have concerns about the lack of parking and the number of additional trips and comings and goings which would be generated and which would compromise highway safety.

In terms of staff rotations, during the week there would be 3 members of staff on site when the property is fully staffed., with two staff working a 24 hour shift and one Manager working a 9-5 work week.

The busiest time of the day would be 10am at shift changeover time. This would not be at the peak morning traffic time and changeovers would be for a brief period only. Comings and goings in a morning is also fairly typical of households, with people leaving for work, school trips or other such journeys and therefore the proposed arrangement would not be uncommon.

In terms of parking, the driveway could provide spaces for 3 cars and if all day staff drove to the site, there would be adequate space to park. Similarly there would be sufficient parking for the night staff.

part of the driveway has a circular route which would also enable staff to pull in and out in a forward gear.

There would be other visitors to the property from social workers and such like, but these would be infrequent and at pre-arranged times when parking would be managed. There is on street parking in front of the property which could be used by visitors or social workers/support staff but this would only be for brief periods of time and on infrequent occasions and would only be the same for visitors to the existing dwelling.

The scale of the development proposed would be commensurate of family living and it is therefore considered the proposed use would not have a significant on the impact on the free flow of traffic or cause highway issues.

The Highway Section is satisfied with the proposed parking and access arrangements and has raised no objection to the proposed development subject to conditions.

The proposed development would therefore comply with Policies EN1/2, CF3/1, HT2/4 and HT6/2.

### **Response to objections**

- Effect on the valuation of properties is not a material planning consideration.
- There would be no reasonable cause to assume the proposed use would generate any more noise and disturbances comparative to any other family type dwelling, nor cause risk to existing residents.
- All other issues raised have been covered in the above report.

### **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.

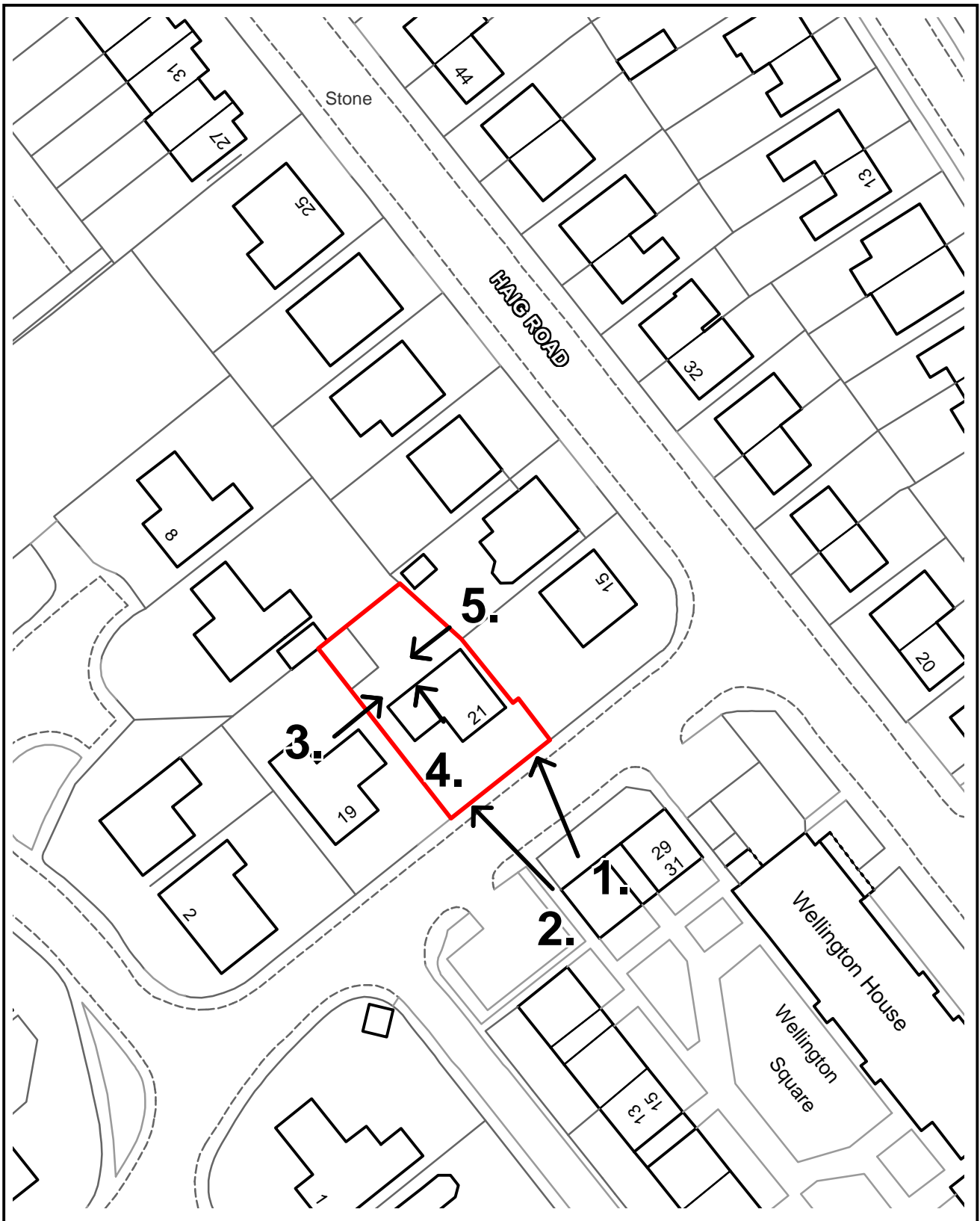
**Recommendation:** Approve with Conditions

### **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 Red edge site plan; Existing and proposed GA plans 002; Existing and proposed elevations 003 ; external and 3D 004 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. There shall be no more than 4 children accommodated at the property hereby approved at any one time.  
Reason. To ensure the appropriate provision of facilities and standards of accommodation are provided for future occupiers and to ensure the use of the property is not over intensified to unacceptable levels which would incur additional activities and disturbances to local residents beyond that which would be accepted for a residential dwelling in a residential area pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, CF3 - Social Services and CF3/1 - Residential Care Homes and Nursing Homes.
4. The premises to which this approval relates shall be used for residential accommodation and care for people in need of care 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 would 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, CF3/1 - Residential Care Homes and Nursing Homes, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict of the Bury Unitary Development Plan.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

# Viewpoints - Item 07



PLANNING APPLICATION LOCATION PLAN

APP. NO 69612

ADDRESS: 21 Orpington Drive Bury



**Bury**  
COUNCIL

Planning, Environmental and Regulatory Services

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Item 07 – 69612

Photo 1



Photo 2





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Photo 3



Photo 4





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Photo 5



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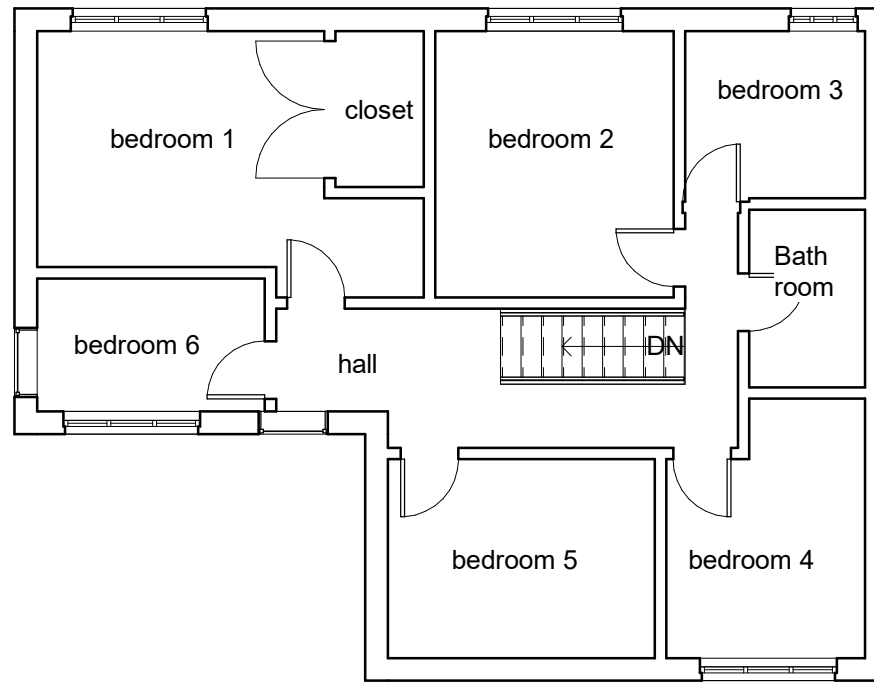
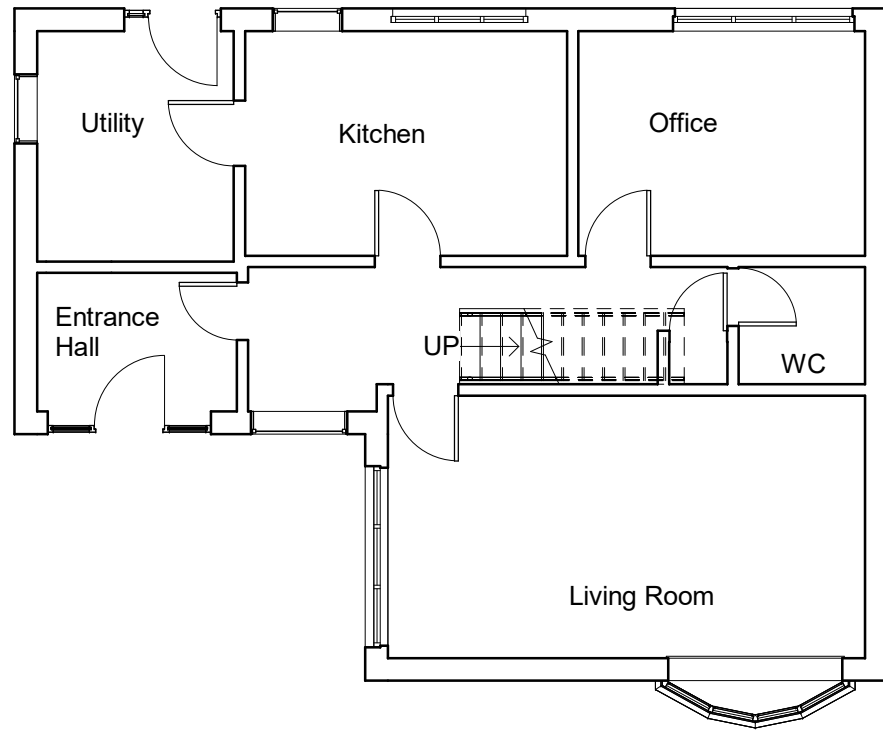
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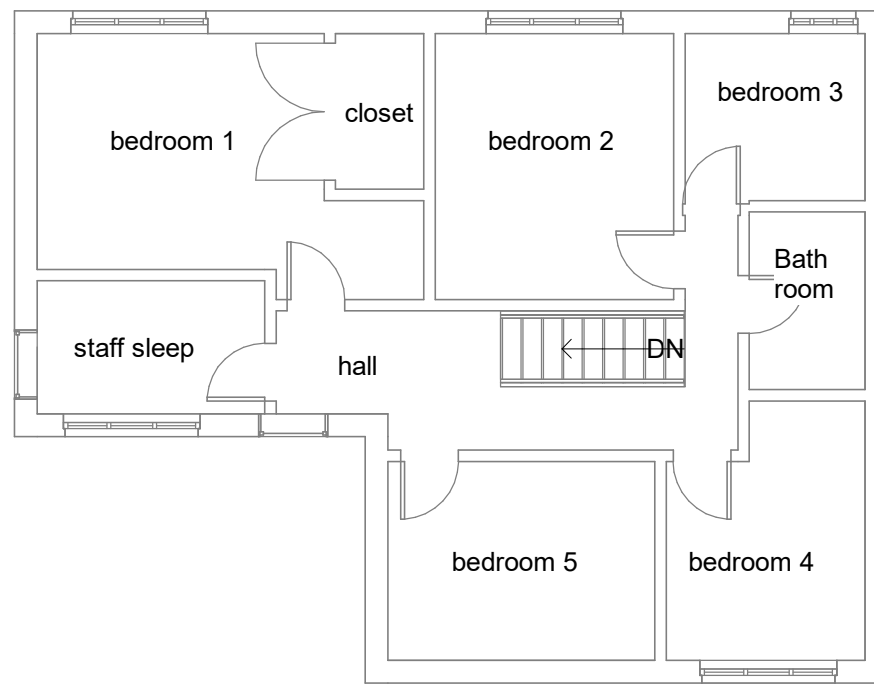
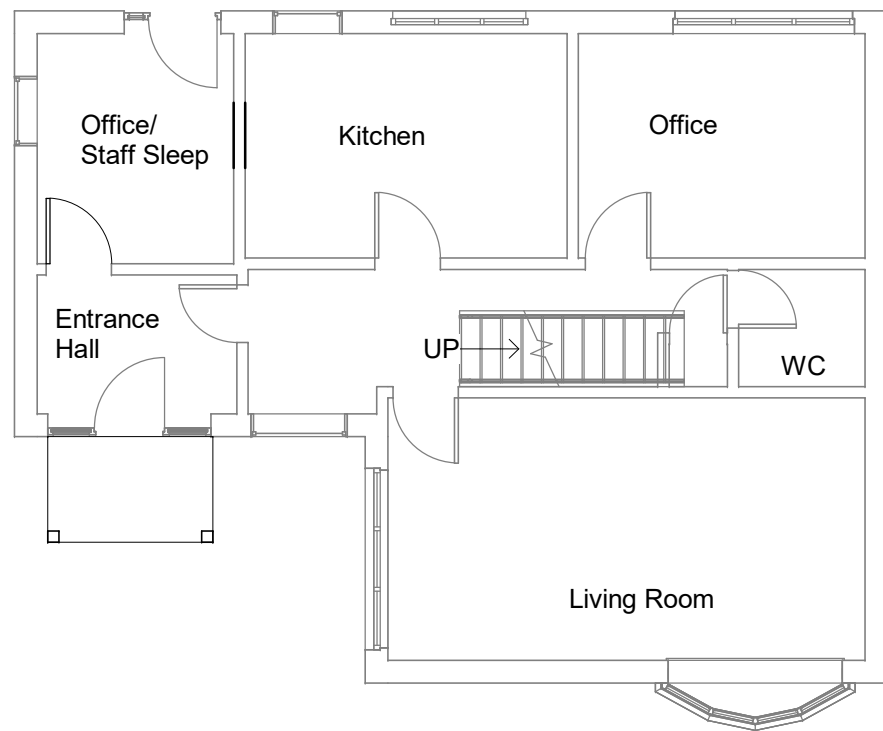
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**1** Ground Floor- existing  
1 : 100

**2** First Floor - existing  
1 : 100



**3** Ground Floor- Proposed  
1 : 100

**4** First Floor - Proposed  
1 : 100

1	18/05/23	First Planning issue	SP
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Rev #:	Issue Date:	Description:	Issued By:
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**CLIENT:**  
Care Today

**PROJECT:**  
Change of use  
21 Orpington Drive  
Bur BL8 2PJ

**DRAWING TITLE:**  
Existing & Proposed GA plans  
002

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<b>PROJECT NUMBER:</b> PR35	<b>SUITABILITY CODE:</b> Planning
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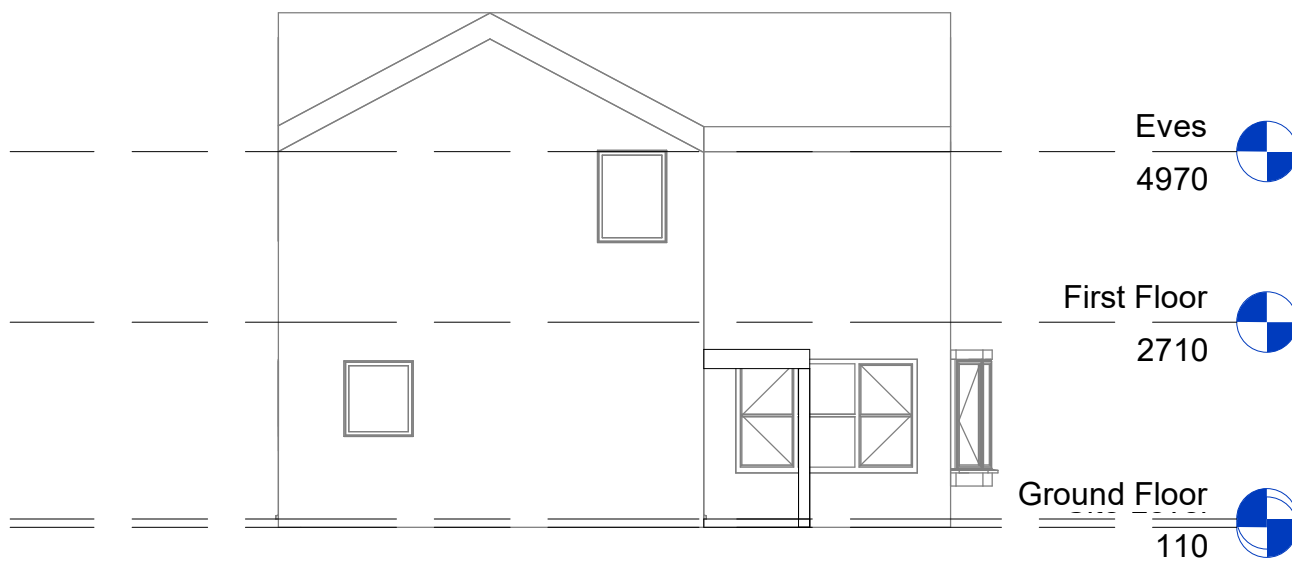
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## 1 Front Elevation

1 : 100



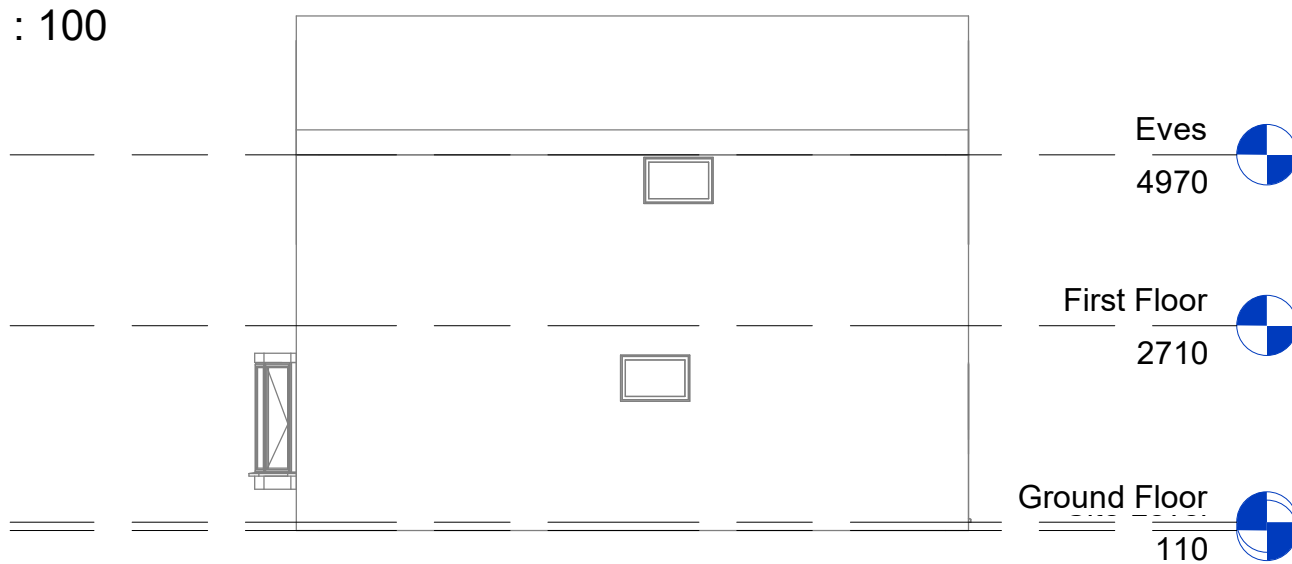
## 2 Side 2 Elevation

1 : 100



## 3 Rear Elevation

1 : 100



## 4 Side 1 Elevation

1 : 100

1 18/05/23 First Planning issue SP

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Change of use  
21 Orpington Drive  
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