

Ward: Bury West - Elton

Item 05

Applicant: Mr Khan

Location: 388 Tottington Road, Bury, BL8 1TU

Proposal: Change of use from residential care home (Class C2) to 16 no. bedroom (single occupancy) house in multiple occupation (HMO) (Sui Generis) with associated works

Application Ref: 70354/Full

Target Date: 14/02/2024

Recommendation: Approve with Conditions

Description

The proposal relates to the former Moorfield's residential care home located on the north side and accessed from Tottington Road. The property is largely two storey with a single storey and conservatory extension. The building is immediately abutted by Greenhalgh Moss Lane at the north, which is a single track drive which provides access to cottages further north, and the route of a public right of way (PROW no. 122BUR). It is thereafter surrounded by neighbouring residential dwellings to all sides. There are trees protected by Tree Preservation Order (TPO 131) pertaining to the site and surrounding residential gardens.

The site most recently operated as a 18 bed care home for younger and elderly adults. However, the operator went into administration and a buyer could not be secured and the property subsequently ceased to operate as a care facility.

The proposal is for the change of use from residential care home (Class C2) to a 16 no. bedroom (single occupancy) house in multiple occupation (HMO) (Sui Generis) with associated works. In summary, the accommodation would comprise:

At ground floor

- 6no. bedrooms (2 with en suite w.c);
- 2no. kitchens;
- 2 no. dining rooms;
- 2no. lounges (including the conservatory);
- 4no. shower rooms (independent of any bedroom);
- 1no. accessible w.c. (independent of any bedroom).

First floor

- 10no. bedrooms (3no. with en suite bathrooms and 7no. with en suite w.c.);
- 3no. shower rooms (independent of any bedroom);
- 1no. accessible w.c. (independent of any bedroom).

Externally, some minor extensions are proposed to the car park envelope to provide parking for 7no. vehicles (1no. accessible space). Cycle storage is proposed through the installation of Sheffield stands.

The submission is supplemented with a supporting statement that provides greater detail on the type of accommodation to be provided. It notes that HMO's are increasingly used as a home of choice for many people and that they offer the residents flexibility and affordability. The building benefits from a lift and all entry points are fully accessible. It states that it would provide spacious and high-quality rooms, many with en-suite facilities, shared shower rooms, 2no. kitchens and large communal areas and garden.

It states that the applicant successfully operates HMO's in other parts of Bury and acknowledges that the proposal would require a HMO licence, noting that the proposed accommodation exceeds the required HMO licensing standards

Since the original submission, minor amendments have been made in relation to cycle and bin storage and the parking extents and layout of the car park.

Relevant Planning History

58577 - Single storey extension - Approve with Conditions 05/05/2015.

Publicity

Direct neighbour notification letters sent 22/12/2023 to 28 properties..

Site notice erected 10/01/2024.

Objections

272 representations have been received raising objections that can be summarised as follows:

Councillor Y Wright

Due to the size of the property, I have concerns with the area available for parking on the site and fear the space inadequate for the number of tenants. This could lead to parking elsewhere, creating problems for neighbours nearby. Also concerned of the potential noise and disturbance which could affect the quality of life of those living close to the HMO.

This property has extensive gardens, I am concerned that the gardens would not be maintained and this again would have a negative impact on the area.

The proposal could negatively impact my constituents living nearby.

Other third party objections

Access, highways and parking provision

- There is not enough parking on the site (only 7 spaces for 16 occupants) and the surrounding streets and main traffic routes are already congested, often restricting access, including for emergency vehicles. Is the Council prepared to remove nearby double yellow lines.
- Parking should be provided at the rate of 1 space per occupant plus spaces for visitors.
- The access into the site from Tottington Road is unsafe.
- The only access at the rear of the building is the road leading to Bowes Close. This would be used as a 'rat run' by a row of cottages.
- Disabled access: if given the green light, how many rooms will be suitable for single residents with disabilities given there's only 1 disabled parking space? As a former nursing home it should be easy to factor this into the plans.

Character of the area

- A HMO is not in keeping with the character of the area and would diminish and imbalance the strong sense of community in this family orientated residential area.
- These establishments do not bring skills like doctors, dentists, teachers to the area but create segregation with no integration.
- (The condition) of HMO's always decline quickly, due to a total lack of maintenance, which will impact very negatively on the surrounding area.

- The term 'sui-generis' is used in the application as an excuse to make it bigger than normal and in a class of its own, but this will just end up as an intense dumping ground for more short-term users.
- Impact on business income due to loss of footfall due the degradation of the area.

Amenity

Impacts on neighbouring amenity

- Occupation of the building and residents congregating in the garden areas and the comings and goings of shift workers would result in a loss of privacy and noise disturbance to neighbouring properties and create an unsafe environment.
- If permission is granted and the HMO is for rehabilitating or rehoming people (e.g. drugs, crime, immigrants) then we would have to reconsider where we live.
- Increased noise from residents and HMO shift workers then further cause disruption by late and early working patterns.
- Local residents are required to leave their bins on the footpath outside their property and there is no indication within the application as to who would be responsible for managing bin collection.
- The Council's Private Rented Sector Enforcement Team states that the property would require a high level of management to limit anti-social behaviour and ensure there were no accumulations of refuse both within and external to the property. There is no evidence in support of this requirement.

Occupier's amenity

- People without adequate housing deserve better than to be housed in a building where the facilities will be basic and cramped. HMO's are generally poorly maintained without regard for resident/community's safety and well being.
- There would be 4 bedrooms without ensuite facilities requiring occupants to share toilet facilities. This was not considered acceptable by the Council in relation to application ref. 70000 and is not here.
- It is assumed that the property would be occupied by single men (given the bathrooms are not indicated for different genders). In relation to application ref. 70000, the Council stated that , "18 people living as a "single household" can create tensions, particularly when using the shared facilities". There is the possibility that there would be tensions between residents over which the applicant would have no control.
- Consideration should be given to potential for health and wellbeing issues among tenants, e.g. poor mental health.
- It is not clear that the rooms will be provided with sufficient natural lighting and ventilation, in particular proposed bedrooms 2 and 4. in relation to noise it is not clear from the application material that any consideration has been given to appropriate consideration of noise internally within the property with living accommodation and communal rooms on the ground floor immediately adjacent to bedrooms, providing an unacceptable standard of amenity for residents.

Community safety

- Residents of the facility would be short-term, would cause noise disturbance, create litter and be a source of anti-social behaviour. Such issues have been cited by the Council in declining (refusing) HMO's.
- Generally, HMO properties are used to house people that are unemployed and therefore

cannot afford basic things in life. There is an explicit correlation between HMOs, which have a high turnover of transient people, and increased levels of crime including community disruption, violence, theft, robbery, criminal damage, drug use and related offences, begging, littering, shoplifting and vehicle offences, putting additional strain on police resources e.g. as occurs in Walmersley.

- There are also schools (children) nearby, families and elderly people living in the area. Don't want the property to be used to house migrant males/ex convicts, impacting on the safety of women and children.

Impact on infrastructure

- The occupants would place further demand on GP/dental practices/schools/social services, in an already over-populated area.
- The police tend to see large HMO's generate conflict between residents.

Planning policy

- The proposal contradicts the Council's guidance on 'Conversion of Houses in Multiple Occupation, (Development Control Policy Guidance Note 13) as it would exceed 10 bed spaces (as large buildings can cause management problems and it is more difficult to maintain and regulate residents), is in an area of predominantly single family dwellings and would be detrimental to highway safety and a lack of visitor parking for deliveries, taxis.
- The proposal would not improve the economic, social and environmental conditions of the area, due to increased stress on local resources such as medical/dentists.
- The proposal would be contrary to Unitary Development Plan policies H1/2, H2/1, H2/2 and H2/4.

Procedure

- Appalled to have only just found out about this secretive application & what about all those of us, without broadband, mobile, etc. Everyone should be leafleted & have the opportunity to state their opinions on this. Shame on no notice given. Appalled, Concerned, Worried, Let Down by our Council Planners.
- Who is the applicant? There is a difference between the applicant noted on the application form and the details noted on the submitted plans and the application form is not 'signed' by the applicant. The application is therefore defective and should not be accepted.
- The application was received and validated on 20 December 2023 with a consultation expiry date of 18 January 2024. This consultation period seems to have taken no account of the Christmas period and as a resident of a nearby property I have received no notification of this proposal.
- Conflicts with Bury's Housing Strategy, which recognises that too many individuals across the borough are living in poor quality homes which is what is being proposed here. The application is clear that the investment in this property will be minimal resulting in single occupancy units meeting minimum standards. The strategy also recognises that there is a need for housing to meet the needs for older people with 'two-bedroom apartments with the right features and in the right communities' having a significant part to play alongside 'new extra care housing and remodelled sheltered housing'. This site is prime for development such as this, providing quality housing to older people and thus freeing larger sites for families to move into the area, supporting people to 'live well in the community' as an outcome sought by Bury Council. None of these outcomes will be achieved by the current plan.

Protected trees

- The proposal takes no account of the protected trees on the site. It is necessary to demonstrate that the proposed parking spaces can be accommodated without having adverse impacts.

Other matters

- Affordable family and social housing (for which there is a shortage of) or flats should be provided at the site or other community uses e.g. youth club/community centre.
- The Moorfields property has great potential for multiple purposes and I am appalled the council is so quickly allowing it to be used in such an unsafe and ill-informed manner.
- Existing properties in the area would be devalued.
- Who would be responsible for the management and upkeep of the building?
- No information is provided regarding who would be occupying the building and the nature of how they are going to live e.g. age range, crime committed, support networks, level of observation.
- There is a shortage of quality care facilities in the area and the property should remain as such. People are stuck in the hospital system and care homes have significant waiting lists. How it came to be that the site was allowed to be purchased, shut down and then planning proposed.
- Elderly residents were evicted from the former care home.
- Will this housing be for anyone? Or would it be a private unit for vulnerable/dangerous people?
- There is a lack of need for a development of this type in the area.
- There are a lot of elderly people in the area who are not familiar with technology who object but cannot do it online.
- The lack of sufficient community engagement in the planning process for this development is distressing.
- What guarantees are there that this won't be a bail hostel or halfway house?
- A similar application was refused where there were 18 intended occupants (Ref. 70000 - The Hawthorn Hotel). Applications 69076 (6 Sandford Street, Radcliffe) and 67542 (181 Tottington Road) was also refused due to concerns about vehicle parking.
- Will there be a warden on site to supervise and manage occupants?
- Can it be confirmed if the applicant is on the approved landlord accreditation scheme / holds the appropriate licence/has any track record with HMOs successfully integrating locally?
- Two of the applicant's existing HMO's generate problems, resulting in police call-outs and are badly maintained, have full car parks and have refuse and recycling bins left on the pavement..
- The application isn't supported by a justification as to why the proposal is considered the best use for the site and why it would be appropriate given the surrounding residential area (characterised by single family dwellings).
- The proposal is primarily for financial gain.

Comments

Councillor C Morris

Use

- The applications provide no details of the types of tenancy that would be provided. The comments I've received from residents and those I have read express anxiety that the use of the building is not in keeping with a residential area for families. While I would not wish to make presumptions about the tenants of such a development, I think some degree of reassurance about the type of tenancy and the market that this development will seek to serve would be welcome. While not all HMOs and HMO tenants are problematic, some most certainly are.

Licensing

- The private rented sector enforcement team has said the following: "The property would require a high level of management to limit anti-social behaviour and ensure there were no accumulations of refuse both within and external to the property."
- Seeks clarification on management plans, responsibility, enforcement thereof, is it a planning concern?
- Residents are concerned about the potential for anti-social behaviour and clearly this is something that is recognised by the council as being a potential risk with a change of use of this nature. This is probably the single biggest concern that residents have - is the possibility of anti-social behaviour, as acknowledged by the council's private rented enforcement team a material planning consideration?

Support

6 representations have been received in support of the proposal that can be summarised as follows:

- Renovation and use of the property (which is already showing signs of dereliction) is more desirable than to just see it become an eyesore.
- It is impossible to find affordable housing in the area. More of these homes are required (there is almost nothing available as 1 bed flats or house shares in the area), as there is a rash short supply of housing in the borough, leading to mass unaffordability for the majority. Being able to house 16 people has massive benefits.
- Having lived in several HMO's in different parts of the country, the residents were decent people just glad of short term reasonable accommodation. People need reasonable accommodation and a private landlord usually wants guarantees and references.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to conditions relating to the removal of gates and the provision of turning facilities, car parking and cycle storage and bin storage.

Environmental Health - Private Rented Sector Enforcement Team: No objection.

The proposal would fall within the scope of the of the house in multiple occupation (HMO) licensing regime and a licence would be required (as it would be for 5 or more occupants).

A fire risk assessment would need to be undertaken and the property would require a high level of management to limit anti-social behaviour and to ensure there were no accumulations of refuse both within and external to the property (required for the HMO licence).

The level of kitchen and bathroom amenities would appear to be suitable for the number of intended occupants.

Greater Manchester Police - designforsecurity: No objection.

The building is detached within its own grounds and noise from inside the building is unlikely to affect residents who live nearby.

Congregation, smoking, vaping, near the entrance at night is likely to disturb those who live nearby and potentially residents within the HMO. However, this could be dealt with in the management plan, with local residents having an avenue to complain to the building manager/owner.

16 bedrooms is a high number of residents and this increases the potential for conflict between residents. However, there are a number of ensuite rooms, external amenity space and spacious communal facilities, which would reduce potential for conflict.

The amount of parking spaces is probably reasonable as many residents wouldn't have cars. The secure cycle store for residents should be secure, robust and weatherproof rather than hoops within the car park.

There should be secure mailboxes, burglary resistant main entrance, video intercom, robust doorsets.

The rate of crime and anti-social behaviour in the area is particularly low compared to other areas in Bury, and any increase could be detrimental to the local community. To reduce the risk, there should be a comprehensive management plan, which should also cover all aspects of maintaining the building and security features.

Trees and Woodland Officer: No objection.

The Site Tree Appraisal Report has considered all aspects of tree care with the proposed ground works.

Waste Management: No objection.

The amended location of the bin store would enable bin collection within the site.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

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| H1/2 | Further Housing Development |
| H2/1 | The Form of New Residential Development |
| H2/2 | The Layout of New Residential Development |
| H2/4 | Conversions |
| HT2/4 | Car Parking and New Development |
| HT6/2 | Pedestrian/Vehicular Conflict |
| EN8 | Woodland and Trees |
| SPD13 | Conversion of Buildings to Houses in Multiple Occupation |
| SPD11 | Parking Standards in Bury |
| SPD13 | Conversion of Buildings to Houses in Multiple Occupation |
| 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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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

Fall-back position & uses not requiring planning permission

In planning terms, the use of existing property falls into Use Class C2. This means that any of the uses listed within Use Class C2 can be undertaken from that property without the need to apply for planning permission from the Council and without local input.

It is noted that objections raise a concern about the potential of the property being used as a bail hostel type facility. Planning Use Class C2 - Residential institutions, includes, but is not limited to, residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. Thus, under the current lawful planning use class a bail hostel or an operation to care for released offenders and/or asylum seekers could be undertaken without a requirement for planning permission.

Places for Everyone

The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

PfE was submitted to the Government for examination in February 2022 and this marked the start of the independent examination into the plan, the final stage in the plan making process.

The Inspectors have now concluded their examination of the plan and have issued their findings and recommendations in their Inspectors' Report which was received on 14 February 2024. In that report the Inspectors conclude that all legal requirements have been met and that with the recommended main modifications set out in the Appendix of their report, the Places for Everyone Joint Development Plan Document satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

The next step is for all nine PfE Councils to consider the Inspectors' recommendations and adoption of the Plan. Currently, it is anticipated that these Council meetings will be held between 28 February and 20 March 2024, with Bury Council due to consider this on 20 March.

If it is agreed by all nine Council's, Places for Everyone will become a key part of Bury's statutory development plan.

Given the advanced stage in the preparation of PfE, it is already considered reasonable that the Plan (as proposed to be modified) should be given significant weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework and full weight will be given to the policies once the Plan is adopted.

Consequently, the principle of this application has been considered against PfE (as proposed to be modified). However, the principle of this proposal does not give rise to any conflict with PfE policies.

Principle of Development

The lawful use of the application site is as a residential care home (a community facility), which falls within Use Class C2 (Residential Institutions).

There are no local or national planning policies preventing the loss of community facilities.

For clarification, a house in multiple occupation is a form of housing tenure, where occupants live together forming more than one household (i.e. where facilities such as kitchen, bathroom or bathrooms can be shared with other tenants).

The National Planning Policy Framework (NPPF), should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The conversion of buildings into residential use can make an important contribution to the local housing stock

and can utilise vacant or underused space more efficiently.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located within the urban area, surrounded by established residential areas and immediately adjacent to routes well served by public transport and to facilities, goods and services. As such, the site is the most sequentially preferable for the release of land for housing. Thus, the principle of the development is acceptable, subject to consideration of the subsequent matters.

UDP Policy H2/4 - Conversions, has specific regard to effects on amenity of neighbouring properties, general character of the area, amenity of occupants, effects from external changes on the street scene and car parking and servicing requirements. This is supported by SPD 13 - The Conversion of Buildings to Houses in Multiple Occupation, that seeks to ensure that properties are of a sufficient size to accommodate the proposals and are large enough to offer satisfactory levels of accommodation for future residents. This document also seeks to ensure that HMO's are located in suitable locations.

It is noted that in planning terms, SPD 13 groups both 'shared houses' (as set out in the proposed development) and residential care homes (the existing lawful use of the property) under the general umbrella term of HMO accommodation. SPD 13 is rather dated in absolute terms (adopted in May 2007) and in some of the assumptions expressed (e.g. HMO's tend to attract residents in their teens and twenties who by their nature can be a little more energetic than older people, leading to a more active social life in the evenings). However, the general factors against which proposals should be assessed at UDP Policy H2/4 remain relevant.

Impact on neighbouring residential amenity

The objections concerning impacts upon residential amenity are set out above. Many of these raise a concern about the background of future occupants, which is not a material planning consideration.

Thereafter, objections raise concerns in relation to the potential for noise nuisance, loss of privacy by overlooking, anti-social behaviour, general criminality and safeguarding of children issues.

SPD 13 states that the Council will seek to ensure that HMO, wherever possible, are generally limited to up to 10 bed spaces, within semi-detached or detached properties, as limiting the size would pose fewer management problems. However, in October 2018, the HMO licensing regime, which covers matters relating to management, came into being.

The existing building is detached and set within generous private grounds. The former (lawful) use as a residential care home could be occupied by up to 18 residents with further care and support staff. The property would not be extended. The proposed use would not therefore introduce habitable room windows that would project closer to existing neighbouring properties. The garden grounds could be used by occupants of the proposed HMO in the same manner as the lawful residential care use (or any other use falling under the C2 use class - see above). and so would not have any greater impacts on neighbouring residential amenity than would the lawful or potential permitted uses.

Greater Manchester Police do not object to the proposal, noting that any issues relating to anti-social behaviour could be dealt with by a robust management plan. Internal security advice would be attached as an informative.

The proposal is therefore considered to be acceptable and thus complies with UDP Policy and guidance relating to HMO's.

A HMO licence, which would be required, considers matters relating to management. This is not a material planning consideration.

Character of the Area and concentration of flats (HMO's)

UDP Policy H2/4 does not specify what would constitute an over-concentration of flats or HMOs. SPD 13 states that an undue concentration of such uses can cause amenity problems such as noise or an increase in on-street car parking.

According to the Bury register of licensed HMO's, there are no registered HMO's identified within the locality of the site i.e. within 500m (there may be unregistered HMO's that do not need either planning permission or a licence). On this basis, it is not considered that the proposed development would contribute to an over-concentration of HMOs within the area, in particular to an extent that would have an adverse effect on the character of the area.

Layout and Design (including amenity for future occupants)

No external alterations requiring planning permission are proposed (other than a minor addition to the car park area to facilitate the reconfiguration of the car park and a cycle storage area).

Internally, the proposal would provide 6 ground floor and 10 first floor bedrooms of between 8.2 sq.m. and 21.5 sq.m., 3 of which would have full ensuite bathrooms and 9 others having ensuite toilets. There would be 7 shared shower/bath rooms between 13 bedrooms. For communal use, there would be two kitchens, two dining rooms and two lounges and a conservatory all accessed from a central lobby. All would satisfy or exceed HMO licensing standards (noting that compliance with such standards is not a material planning consideration). Whilst not applicable to large HMO's, all bedrooms would also exceed the nationally described space standards (NDSS) (for single occupancy, as proposed). Overall, the internal layout of the development would provide satisfactory living accommodation for future occupiers.

The objective of the proposal is to provide good quality accommodation with a high frequency of associated facilities (for single occupancy of each bedroom, as noted in the description of the development above). As such, the bedroom sizes would far exceed the minimum HMO standard of 6.5 sq.m. or the NDSS standard of 7.5 sq.m.

Externally, the generous hardstanding and garden area would provide ample space for refuse storage, general amenity and bicycle storage.

Given the above, the proposal is considered to accord with the requirements of UDP Policies H2/4 and EN1/2.

Access and highway safety

Objections relating to access, congestion and car parking and impacts on highway safety.

There is no specific car parking/cycle storage standards for HMO's in SPD11 Parking Standards in Bury. SPD 13 gives some general advice. It states that parking and road safety issues will be important considerations when assessing a planning application and any proposal that is considered to have a detrimental impact on highway safety or harm to amenity will not be permitted.

HMO's are best located in sustainable areas well served by public transport and close to amenities, services and facilities, which can reduce the demand for vehicle ownership, and hence parking. In this regard, the application site is in a highly accessible location and within 400m of bus stops on Tottington Road (with frequent bus services between Tottington and Bury), a supermarket and other services. The site is clearly in a highly accessible area.

Parking provision

The existing site layout includes parking provision for 7 vehicles, but these are of minimal

dimensions and not particularly fit for the parking and manoeuvring of contemporary vehicles.

The proposal would retain parking for up to 7 vehicles in a reconfigured and slightly extended parking area, including a single accessible space. There would also be secure cycle storage provision for 18 bicycles.

It is generally recognised that car ownership tends to be lower for those who occupy HMO compared to other households (and particularly given the highly sustainable location of the site), as acknowledged in SPD 13 and in the response from GM Police. Further, SPD 11 does not specify any parking standards in relation to HMOs. In relation to the lawful use of the site, the maximum parking standard is one car parking space per 4 beds (therefore 5 spaces) and 2 motorcycle spaces.

Additionally, HMO are often accommodated in larger terraced properties (for 7 or 8 occupants) with little or no off-street parking spaces, so the provision of 7 car parking spaces would be generous by comparison. It is not the case and nor could it be justified to require a car parking rate of one space per occupier.

Furthermore, the proposal would include cycle storage provision at the rate of one space per bedroom, so that occupants would have an alternative to driving, public transport and/or walking. Therefore, to substitute one use for another is unlikely to have additional impacts on parking demand in the area.

The Highway Authority considers there are no highway safety reasons to resist the proposal given the accessible location of the site.

Given the location of the site in relative to access to good quality public transport options and goods and services, together with the cycle storage proposed, it is considered that it would not be sustainable or justified to refuse the proposal on traffic/parking grounds.

Concerning the servicing of the site, the Council's Waste Management Service has no objection to the layout, further to the relocation of the bin store.

Subject to the recommended planning conditions, the proposal would be acceptable and would accord with UDP policies H2/4, HT2/4 and SPD13.

Other matters

Trees

There are protected trees on the site that the minor car park extensions would extend under the canopy of. The submitted 'Site Tree Appraisal' report confirms that the ground works to lengthen the parking bays would take place within the calculated root protection areas (RPA) of the mature Lime Trees and the mixed hedgerow. Construction methods (e.g. no dig subbase system filled with gravel). No tree works would be required to facilitate the development. General management pruning is recommended, but this would be subject to a separate application.

The Council's Trees and Woodland Officer considers that the report is comprehensive and does not object to the proposal.

A condition requiring adherence to the methods indicated in the 'Site Tree Appraisal' would be appropriate.

HMO standards

The consultation response sets out issues that would fall within the remit of the HMO licensing regime. These are not matters that are material to the consideration, assessment and determination of the planning application e.g. The property would require a high level of management to limit anti-social behaviour and ensure there were no accumulations of

refuse both within and external to the property.

Procedure

The information supporting the application is adequate and the consultation procedures have been undertaken in accordance with the relevant Regulations.

Existing caravan

This is unauthorised and would be required to be removed to facilitate the installation of the secure cycle storage.

Response to objections

It is considered that the above assessment has regard to many of the matters raised in the objections to the proposal.

There are also a significant number of matters raised that can not be considered to be material to the assessment and determination of the application e.g. perceived impact on property values; the proposal is for financial gain.

Of the remaining issues:

- This property has extensive gardens, I am concerned that the gardens would not be maintained and this again would have a negative impact on the area.

The local planning authority cannot not exercise control over the maintenance/upkeep of private gardens as a stipulation (condition) of planning permission.

- Disabled access: if given the green light, how many rooms will be suitable for single residents with disabilities given there's only 1 disabled parking space? As a former nursing home it should be easy to factor this into the plans.

Access falls within the remit of the Building Regulations.

- There would be 4 bedrooms without ensuite facilities requiring occupants to share toilet facilities. This was not considered acceptable by the Council in relation to application ref. 70000 and is not here.

The adequacy of the facilities to be provided is discussed above. In relation to application ref. 70000, it was noted that at the ground floor, there are 2 no bedrooms with no en suite facilities or shared bathroom facilities.

- The occupants would place further demand on GP/dental practices/schools/social services, in an already over-populated area.

The proposal is for a HMO occupied by 16 people in substitute for a care facility for 18 elderly occupants (in the main)

- A similar application was refused where there were 18 intended occupants (Ref. 70000 - The Hawthorn Hotel). Applications 69076 (6 Sandford Street, Radcliffe) and 67542 (181 Tottington Road) was also refused due to concerns about vehicle parking

The application has been assessed on its individual merits and against relevant local planning policies, having regard to all the comments received.

CONCLUSION

There is fallback position of the lawful C2 use class and the other potential uses permitted and this has been taken into account, where relevant, in assessing the appropriateness of the proposal.

The proposal would bring back into viable long-term use a vacant property that failed to

attract a replacement management company for the continuation of a residential care facility (this does not need to be demonstrated).

The above assessment demonstrates that the proposal is acceptable in principle, finds that no unacceptable impacts would pertain and that the proposal would deliver a good quality level of accommodation.

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 drawings
Location plan (dwg no. SI-XX-DR-A-1000 A)
Proposed Site Plan (Dwg No. SI-XX-DR-A-1002 F)
Proposed External Works and Car Park Layout (Dwg No. SI-XX-DR-A-1003 C)
Proposed ground floor plan (B1-00-DR-A-2001 C)
Proposed first floor plan (dwg no.B1-01-DR-A-2002 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 removal of the existing gates at the site access with Tottington Road and provision of amended turning facilities indicated on the approved plans shall be provided before the use hereby approved is commenced and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety, pursuant to policies EN1/2 and HT6/2 of the Bury Unitary Development Plan.
4. The car parking spaces indicated on the approved plans shall be surfaced, demarcated and/or made available for use prior to the use hereby approved commencing and thereafter maintained 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.
5. The bin storage arrangements to be provided within the site shall be made available for use prior to the first occupation of the development hereby approved

and thereafter maintained at all times.

Reason. To ensure that adequate bin storage arrangements are provided to serve the development, pursuant to policies H2/2 and EN1/2 of the Bury Unitary Development Plan.

6. The use of the building hereby approved shall not commence until a scheme for the provision of secure cycle parking has been implemented in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The approved facility shall remain available for users of the development thereafter.

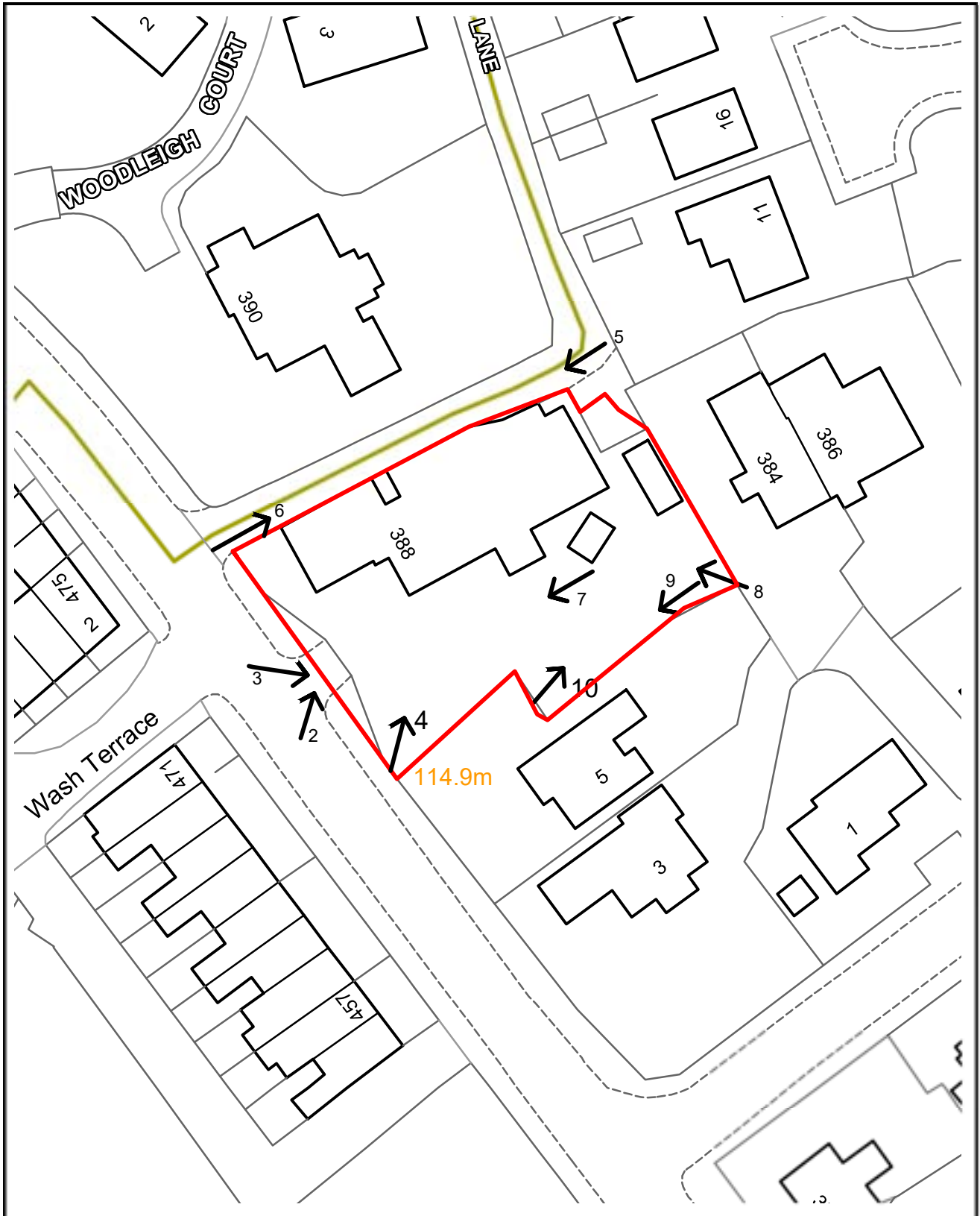
Reason. As full details have not been submitted and to secure satisfactory cycle facilities on site and in accordance with Unitary Development Policies HT6 - Pedestrians and Cyclists; HT6/1 - Pedestrians and Cycle Movement.

7. The extension to the car parking bay shall be implemented in accordance with the methodology set out in the submitted Site Tree Appraisal (ref. RTS/07022024 Rev. 001).

Reason: To protect trees against root damage, pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 70354

ADDRESS: 388 Tottington Road, Bury



Bury
Council

Planning, Environmental and Regulatory Services

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70354

Aerial view – site from the east



70354

Photo 1 – Site from the west



Photo 2 – West elevation of the existing building



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Photo 3 – Panning right



Photo 4 – Principal elevation (south facing)



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Photo 5 – North elevation



Photo 6 – North elevation



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Photo 7 – Facing west across car park



Photo 8 – Principal elevation across garden area



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Photo 9 – Panning left



Photo 10 – Opposite direction



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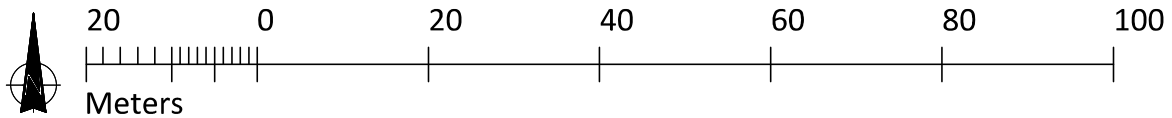
DO NOT SCALE FROM THIS DRAWING

PLANNING



Site Location Plan

Scale 1:1250 @ A4



NOTES:-

Site area denoted with red line equates to:-
1,147.5m² / 0.11475 Hectares / 0.28355 Acres

| Rev | Description | By | Chk | Date |
|-----|-----------------|----|-----|---------|
| A | Planning issue. | CM | TR | 13.12.2 |

| | | | | | |
|-----------------|--|-----------------|----------|------------|----------|
| Project: | Moorfield 388 Tottington Road, Bury, BL8 1TU | | | | |
| Title: | Site Location Plan | | | | |
| Client: | Shaheen Developments | | | | |
| Drawn By: | TR | Checked By: | MH | Checker on | 29/11/23 |
| Original Size: | A4 | Project Number: | 22130 | | |
| Drawing Number: | SI-XX-DR-A-1000 | REV | A | | |



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 E:TEAM@JENKINS-DESIGN.CO.UK

ARCHITECTURE INTERIOR PROJECT CDM BUILDING
 DESIGN MANAGEMENT ADVISOR CONSULTANCY


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PLANNING

Key:-

 **Site Boundary**
1,147.5 sqm / 0.11475 Hectares / 0.28355 Acres



| Rev | Description | By | Chk | Date |
|-----|---|----|-----|------------|
| C | "Existing caravan" note added and existing car park layout updated. | AL | TR | 31.01.2024 |
| B | Planning Issue | CM | TR | 13.12.2023 |
| A | Existing site plan updated with further detail. | CM | TR | 12.12.2023 |

| | | | |
|-----------------|--|-----------------|------------------|
| Project: | Moorfield Care Home 388 Tottington Road, Bury, BL8 1TU | | |
| Title: | Existing Site Plan | | |
| Client: | Shaheen Developments | | |
| Drawn By: | CM | Checked By: | TR on 31.01.2024 |
| Original Size: | A1 | Project Number: | 22131 |
| Drawing Number: | SI-XX-DR-A-1001 | REV | C |



PLANNING

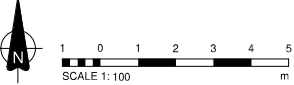
Key:-

Site Boundary
1,147.5 sqm / 0.11475 Hectares / 0.28355 Acres



Proposed Site Plan

1 : 100



| Rev | Description | By | Chk | Date |
|-----|---|----|-----|------------|
| F | Bin store and bicycle shelter relocated in response to planners' comments. | AL | TR | 26.02.2024 |
| E | Existing tree next to parking bay 1 deleted to reflect current site layout. | AL | TR | 05.02.2024 |
| D | Existing gates removed and "Turning Head" annotation added. | AL | TR | 02.02.2024 |
| C | Existing caravan removed and proposed car park layout revised. | AL | TR | 18.01.2024 |

| | | | |
|-----------------|--|-----------------|------------------|
| Project: | Moorfield Care Home 388 Tottington Road, Bury, BL8 1TU | | |
| Title: | Proposed Site Plan | | |
| Client: | Shaheen Developments | | |
| Drawn By: | AL | Checked By: | TR on 26.02.2024 |
| Original Size: | A1 | Project Number: | 22131 |
| Drawing Number: | SI-XX-DR-A-1002 | REV | F |

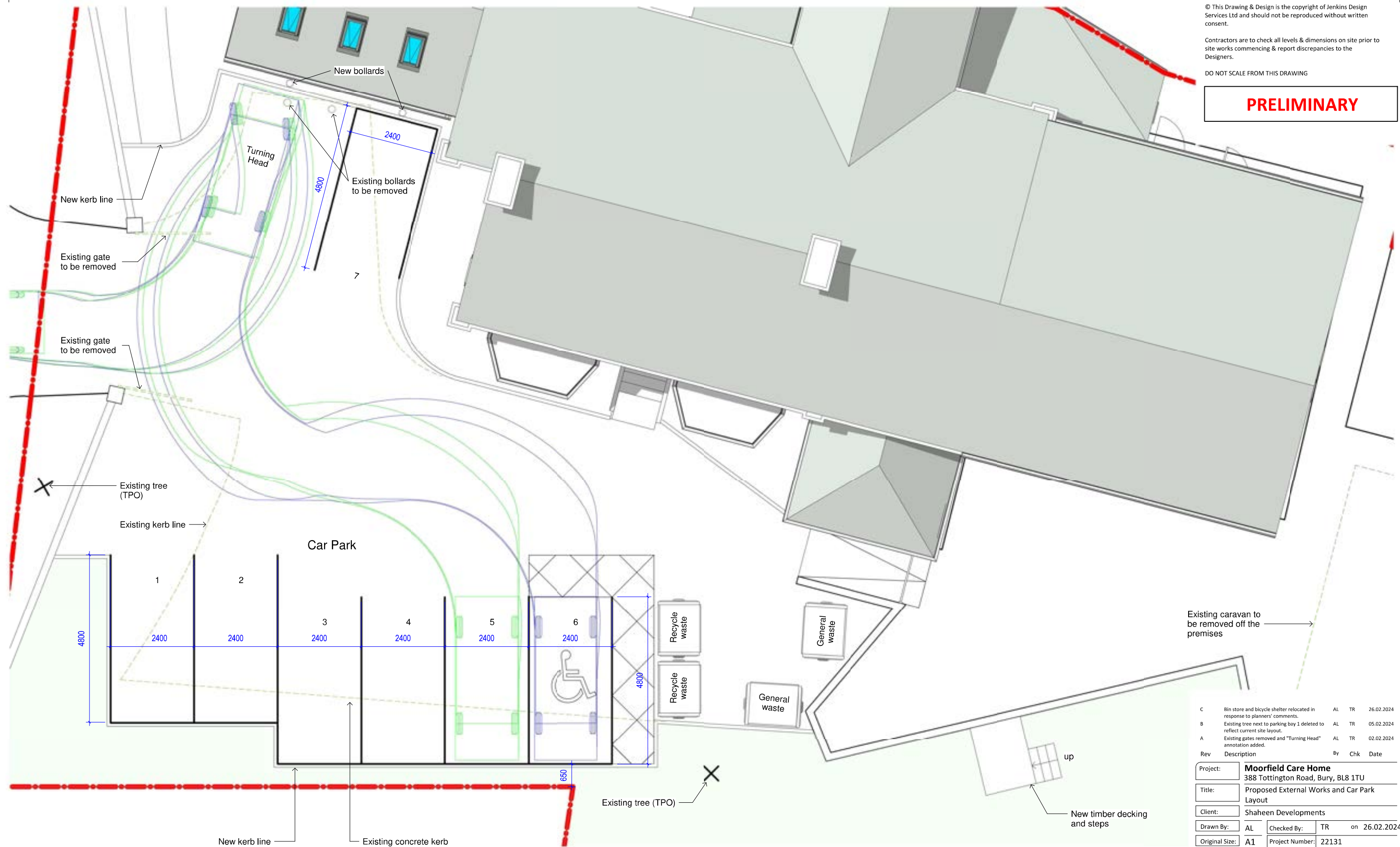


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PRELIMINARY



Proposed External Works and Car Park Layout
1 : 50

| Rev | Description | By | Chk | Date |
|-----|---|----|-----|------------|
| C | Bin store and bicycle shelter relocated in response to planners' comments. | AL | TR | 26.02.2024 |
| B | Existing tree next to parking bay 1 deleted to reflect current site layout. | AL | TR | 05.02.2024 |
| A | Existing gates removed and "Turning Head" annotation added. | AL | TR | 02.02.2024 |

| | | | |
|-----------------|--|-----------------|------------------|
| Project: | Moorfield Care Home 388 Tottington Road, Bury, BL8 1TU | | |
| Title: | Proposed External Works and Car Park Layout | | |
| Client: | Shaheen Developments | | |
| Drawn By: | AL | Checked By: | TR on 26.02.2024 |
| Original Size: | A1 | Project Number: | 22131 |
| Drawing Number: | SI-XX-DR-A-1003 | REV | C |



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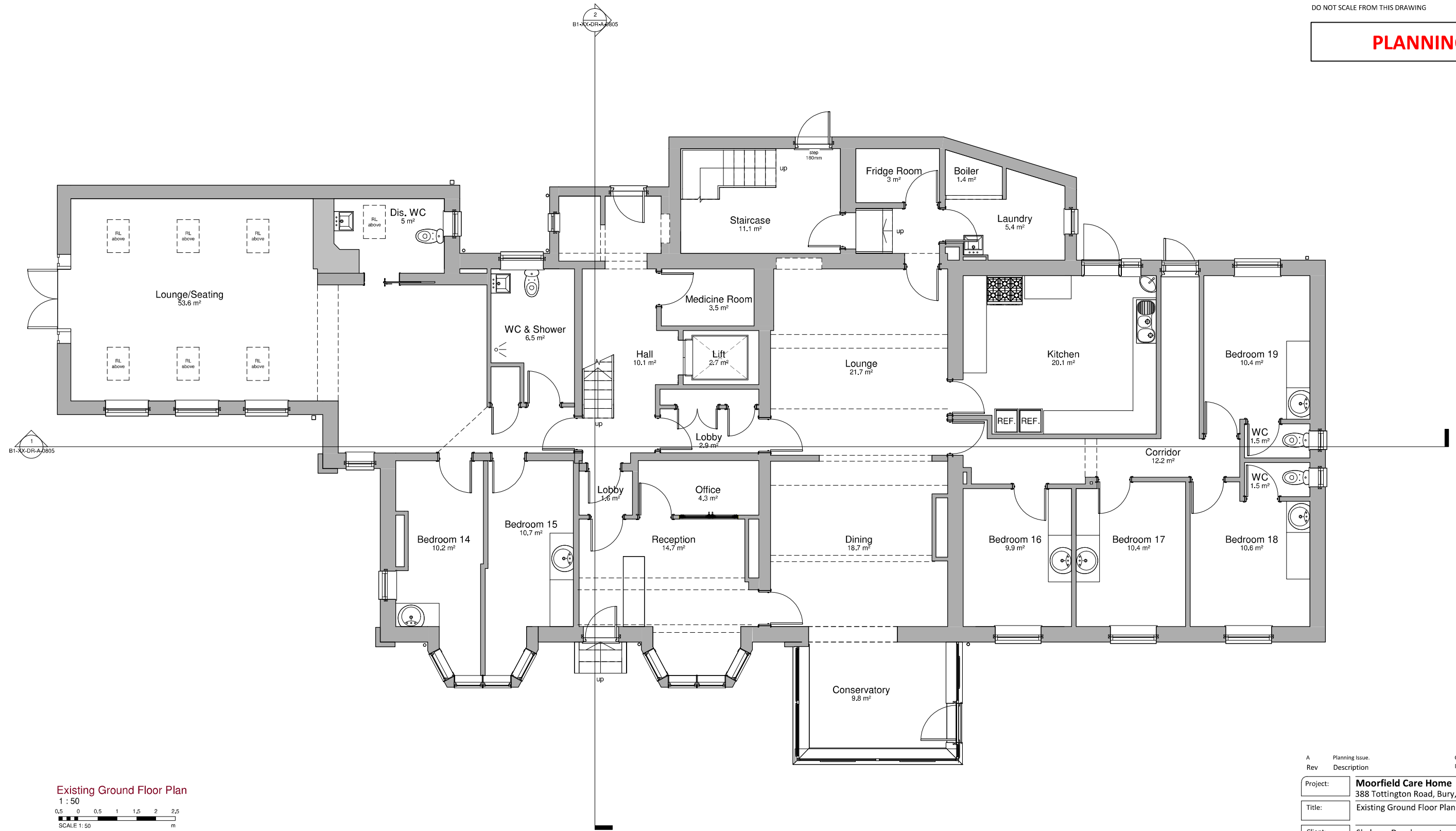
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PLANNING



Existing Ground Floor Plan
1 : 50
SCALE 1:50

| Rev | Description | By | Chk | Date |
|-----|-----------------|----|-----|------------|
| A | Planning Issue. | CM | TR | 13.12.2023 |

| | |
|-----------------|--|
| Project: | Moorfield Care Home 388 Tottington Road, Bury, BL8 1TU |
| Title: | Existing Ground Floor Plan |
| Client: | Shaheen Developments |
| Drawn By: | AL |
| Checked By: | TR |
| Original Size: | A1 |
| Project Number: | 22131 |
| Drawing Number: | B1-00-DR-A-0801 |
| REV | A |



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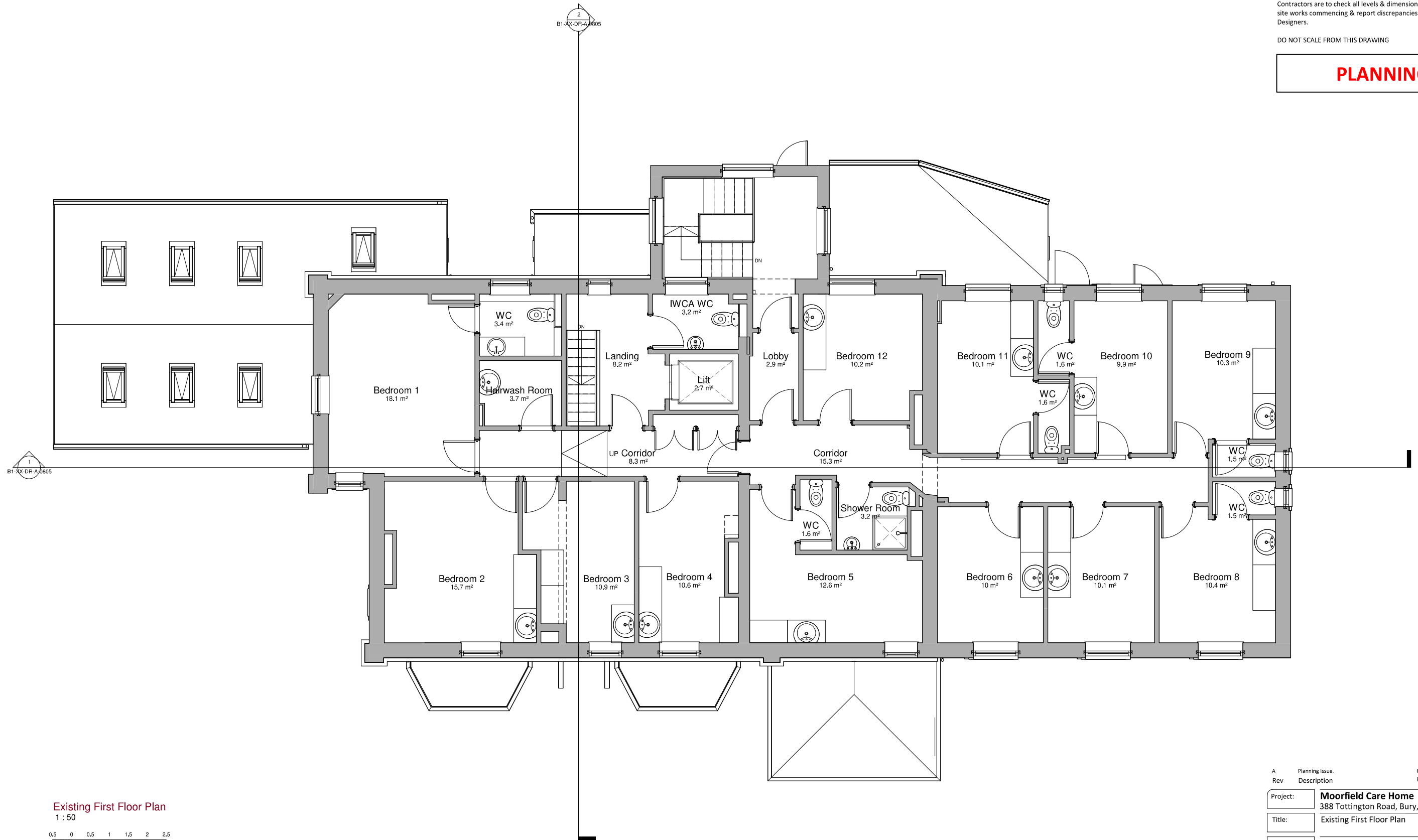
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PLANNING



Existing First Floor Plan
1 : 50



| Rev | Description | By | Chk | Date |
|-----|-----------------|----|-----|------------|
| A | Planning Issue. | CM | TR | 13.12.2023 |

| | |
|-----------------|--|
| Project: | Moorfield Care Home 388 Tottington Road, Bury, BL8 1TU |
| Title: | Existing First Floor Plan |
| Client: | Shaheen Developments |
| Drawn By: | CM |
| Checked By: | TR |
| Original Size: | A1 |
| Project Number: | 22131 |
| Drawing Number: | B1-01-DR-A-0802 |
| REV | A |





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PLANNING

Key:-

-  Existing
-  Proposed

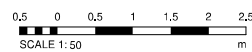
Legend Room Type

-  Bedroom
-  Communal Room
-  Kitchen
-  Shower Room (En-suite)
-  Shower Room (Shared)
-  Toilet Facilities



Proposed Ground Floor Plan

1 : 50



SCALE 1: 50

| | | | | |
|---|--|----|----|------------|
| C | Update to layout following client input. | CM | TR | 19.12.2023 |
| B | Planning Issue. | CM | TR | 13.12.2023 |
| A | Floor Plans populated with furniture to demonstrate spatial arrangement to comply with HMO Standards and Licensing Conditions. | CM | TR | 13.12.2023 |

| Rev | Description | By | Chk | Date |
|-----|-------------|----|-----|------|
|-----|-------------|----|-----|------|

| | | | |
|-----------------|--|-----------------|------------------|
| Project: | Moorfield Care Home 388 Tottington Road, Bury, BL8 1TU | | |
| Title: | Proposed Ground Floor Plan | | |
| Client: | Shaheen Developments | | |
| Drawn By: | CM | Checked By: | TR on 19.12.2023 |
| Original Size: | A1 | Project Number: | 22131 |
| Drawing Number: | B1-00-DR-A-2001 | REV | C |



PLANNING

Key:-

- Existing
- Proposed

Legend Room Type

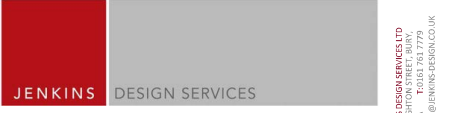
- Bedroom
- Communal Room
- Kitchen
- Shower Room (En-suite)
- Shower Room (Shared)
- Toilet Facilities



Proposed First Floor Plan
 0.5 : 50
 SCALE 1:50

| | | | | |
|-----|--|----|-----|------------|
| Rev | Description | By | Chk | Date |
| B | Planning Issue. | CM | TR | 13.12.2023 |
| A | Floor Plans populated with furniture to demonstrate spatial arrangement to comply with HMO Standards and Licensing Conditions. | CM | TR | 13.12.2023 |

| | | | |
|-----------------|--|-----------------|------------------|
| Project: | Moorfield Care Home 388 Tottington Road, Bury, BL8 1TU | | |
| Title: | Proposed First Floor Plan | | |
| Client: | Shaheen Developments | | |
| Drawn By: | CM | Checked By: | TR on 13.12.2023 |
| Original Size: | A1 | Project Number: | 22131 |
| Drawing Number: | B1-01-DR-A-2002 | REV | B |



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