Ward: Tottington Item 01

**Applicant:** Greater Manchester Combined Authority

**Location:** 58 Sunny Bower Street, Tottington, Bury, BL8 3HL

Proposal: Change of use from residential dwelling (Class C3) to residential institution (Class

C2)

**Application Ref:** 71503/Full **Target Date:** 25/03/2025

**Recommendation:** Approve with Conditions

### **Description**

The application relates to a detached 5no. bed dwellinghouse located off Sunny Bower Street. The site is accessed via Sunny Bower Street which is an unadopted highway. The site comprises a driveway to the front, with gardens to the front, side and rear. The site is located within a residential area, with residential properties located adjacent to all boundaries.

Planning permission is sought for the change of use from a dwelling house (Class C3) to children's residential care home (Class C2) for the maximum of 3no young persons and 3no. staff on site. 2no. staff members would sleep at the property each evening.

Due to the number of objections received the proposal will be presented to Planning Control Committee.

### Relevant Planning History

24492 - Single Storey Study Extension at Side - Approved 21/06/1990

25568 - Two Storey Garage Study And Bathroom Extension At Side - Approved 16/04/1991

### **Publicity**

Letters sent to 19 properties on the 10th February 2025.

7 representations of objection and 1 petition of 55 signatures received in relation to:

- Poor access from Moorside Road and the existing road infrastructure is inadequate.
- Increase in traffic staff, visitors, service vehicles.
- Risk to pedestrian safety.
- Vehicles will need to reverse out of driveway.
- Property has to take bins up the hill for collection.
- Application 29278/93 (change of use of dwelling to 10 bedroom guest house) for 56 Sunny Bower was refused due to traffic congestion, road safety, and unsuitability of the road infrastructure which has not changed. Precedent already set.

1 representation of support received in relation to:

• I think it is great the children of Bury will get the opportunity to remain close to their existing networks and communities at a very difficult time in their life.

Following the receipt of additional plans further letters were sent to neighbouring properties and those that had objected on the 12th March 2025. 3 objections received in relation to:

- Children's home as already been tried on Moorside Road and it didn't work.
- There was always police cars up and down the small road.
- Social workers and ambulances disrupted quiet residential area.
- Why would anyone put a children's home in an area where 90% of residents are over 75 years old.
- Proposed plans do not address key issues raised previously.
- A recent incident involving a Bury Council representative visiting No. 58 highlighted how difficult it is to exit the driveway.
- Had to reverse up Sunny Bower Street.
- The narrow, unadopted road and the steep concrete plinth present a serious risk of catastrophic damage to any standard vehicle attempting to travel down the street.
- This is compounded by the fact that vehicles must reverse onto Sunnybower Street, creating an obstruction and further safety concerns.

Those who have made representations have been notified of the Planning Control Committee meeting.

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

**Traffic Section -** Condition requested in relation to implementation of car parking.

Children's Commissioning Team - No response

**Environmental Health - Pollution Control - No response** 

Waste Management - No response

**Greater Manchester Police - designforsecurity -** Confirmed that GMP would not typically support/object unless there was an overwhelming body of evidence that it would be detrimental to the local area. No major concerns. They suggest that as comments have been raised in relation to commitment to parking within the car parking area, a temporary permission would allow the operation of the home and any issues to be evaluated, any alterations to the property should be to the Secure by Design standards.

### Pre-start Conditions - Not relevant

### **Development Plan and Policies**

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
JP-P1	Sustainable Places
JP-S5	Clean Air
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
NPPF	National Planning Policy Framework
SPD13	Conversion of Buildings to Houses in Multiple Occupation

SPD11 Parking Standards in Bury

SPD6 Supplementary Planning Document 6: Alterations & Extensions

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

### Principle (Use)

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.

UDP 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. This is supported by UDP Policy CF3 - Social Services that 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.

The Places for Everyone Joint Development Plan confirms within their vision for Greater Manchester that they seek to "A place where all children are given the best start in life and young people grow up inspired to exceed expectations." PfE Policy JP-H3 supports specialist housing for older households and vulnerable people. This is further supported by PfE Policy JP-P1 that states that all development, where appropriate should be socially

### inclusive:

- A. Responding to the needs of all parts of society;
- B. Enabling everyone to participate equally and independently;
- C. Providing opportunities for social contact and support; and
- D. Promoting a sense of community.

The majority of the objections centre around the impact of the proposal in relation to the existing, unadopted road that is utilised to access the existing dwelling.

The proposal relates to a detached 5no. bedroom family dwelling located within a well-established residential area. 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 2 staff would occupy the dwelling overnight in a manner broadly akin to occupation by a family.

The covering letter confirms that the children would be in full time education in the local area, with individual and vehicle movements associated with this. At weekends the children may have activities again with vehicle movements that would be anticipated in a standard family home of this size. The covering letter acknowledges that staff may access and leave the property individually outside of these times, but the people and vehicle movements are again anticipated to be within the range expected of a residential property.

Vehicle movements would be moderated by the parking provision at the property. The house would maintain the existing three external car parking, and at least one space within the garage would be retained. The site is also located within a sustainable location with public transport available within the vicinity of the site with a local bus stop approximately 250m from the site. Cycle storage is also proposed within the garage.

The applicant has chosen to apply for planning permission in this case but had a Lawful Development Certificate been submitted to establish whether a 'material' change of use would occur, given the assessments above and the Court ruling in the North Devon case, the LPA could consider the proposal would not constitute development under Section 55 of the Town and Country Planning Act (as amended), and as such would be lawful in any event.

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.

Given the above, 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 the character of the area. Occupants would engage in education, social and recreational activities as any child could when occupying the dwelling as a family home. The proposed use would provide a valuable facility for more vulnerable members of society and as such would be compliant with the above policies and the principles of the NPPF. The principle of the development would therefore be acceptable.

#### Layout and Design

In addition to the policies set out above UDP Policy EN1/2 - Townscape and Built Design seeks to protect the character and townscape of the boroughs towns. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

The proposal would require minimal external changes to facilitate the change of use with the conversion of the double garage replacing garage doors with windows and access doors that are suitably aligned. Internal alterations are proposed to provide a laundry and gym space within the double garage and reconfiguration of the first floor to provide an office in one of the bedrooms. Given this, 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 the relevant policies.

### Amenity

In addition to UDP Policies H2/4 and H3/1, UDP Policy EN7/2 seeks to restrict development that would lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

The amendments at ground floor would include the introduction of 2no. non-habitable room windows (gym and laundry and drying) within the front elevations facing towards No. 33A Sunny Bower. Due to the uses of these proposed windows aspect standards have not been applied. The remaining front windows/doors would retain their existing uses.

The existing ground floor side dining room window would be retained as existing, as would the rear kitchen windows, and side and rear garage/utility windows. The existing reception/gym area would be amended to become a free space and games/social area. The garden to the rear of the property slopes towards the rear boundary and as such these windows would be screened by the topography of the site, and the established boundary planting.

The reconfiguration of the first floor to provide a mixture of office space, staff bedrooms and children's bedrooms would not introduce any additional habitable room windows.

### **Highways and Parking**

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. PfE Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

Following a site visit, the Case Officer can confirm that the existing access to the site from Moorside Road is narrow, allowing only one vehicle to safely traverse the road when accessed from Moorside Road. It is acknowledged that boundary walls and features restrict the ability for the introduction of passing places or footways along the access. The access from Moorside Road has been resurfaced, and speed bumps have been introduced however further along Sunny Bower the access is potted, and appears to be eroded from water run off. The state of the road, and the access have been highlighted in a number of the objections and safety concerns have been raised in relation to an increase of traffic along the unadopted access track.

The access however is not proposed to be amended for the application. It is reasonable to assume that the existing 5no. bed house, with triple garage and 3no. car driveway would also generate a certain level of traffic, vehicular and pedestrian movements. There would also be the usual servicing vehicles or potentially deliveries made to the site but this would be typical of everyday life and not dissimilar to that of a family in a dwelling of this size.

Access to the driveway remains unaltered and whether it is a C2 or C3 use the users of the driveway would have to reverse off or onto the driveway. The occupation of the dwelling for up to 3no. children, and 2 no. adults overnight would be similar to that of a C3 dwelling

as referenced by the applicant within their covering letter and discussed above. Deliveries, vehicular movements and visitors would also be on a similar scale as a C3 dwelling. Whilst acknowledged that the access is poor, a family occupying the dwelling could also create the same amount of demand for access as the proposed C2 use at the scale proposed. Due to the concerns raised however a condition has been introduced to limit the number of children that can be accommodated at the site to a maximum of 3. This limitation would not be possible if the site was retained in a purely C3 use.

Reference has also been made to a planning application for a 10 bed guest house that was refused in 1993 setting a precedent for a refusal due to the access. A 10 bed guest house, is considered to be a significantly intensified use over and above a typical dwelling house and would create a number of additional vehicular movements with the potential for 10 guests to be utilising the access on any given day. The policies utilised to assess the access in 1993, are different to the current adopted local and national policies which have been referenced above. The guest home use is substantially different to the proposed C2 use and each application is assessed on a case by case, and site by site basis. As such it is considered that a precedent has not been set here.

In the above circumstances and highlighted various occupancies that could be undertaken at the property, it is not considered that the proposal would have unacceptable impacts on highway safety that would warrant or sustain an objection to the application. The access and parking arrangements remain unaltered from the existing use. 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.

Policy JP-C8 requires new development to be located and designed to enable and encourage walking, cycling and public transport use and to reduce the negative effects of car dependency. In terms of parking standards, in addition to Policy JP-C8 and Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

SPD 11 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.

As a 5 bedroomed dwelling with a 3 car driveway and triple garage, the property could easily be occupied by 3 or more car owners, plus any additional trips to the site by visitors, friends/family and from deliveries or any servicing requirements associated with day to day living.

The covering letter confirms a maximum of 3no. staff members would be on site at any one time. 3no. driveway spaces, and 1no. garage space would be retained on site. Given that there is no available on street parking directly to the front of the site the level of car parking proposed would allow 3 staff to park on site, plus 1 additional visitor and would also allow a level of flexibility during staff change overs. This level or parking also assumes that each staff member would be accessing the site by car. As set out above the site can be accessed by public transport with bus stop approximately 250m from the site.

Given the above, it is considered that the parking provision for the proposal is acceptable.

### Carbon and Energy

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions.

In terms of this proposal, works proposed are largely internal and therefore the applicant considers that there would be now change to the performance of the building The property would continue to function largely in the way a residential property does. General good practice measures to reduce energy consumption will be undertaken at the property.

### **Digital Connectivity**

JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

The property is an existing residential dwelling and has recently been occupied as such. The applicant has confirmed that if there is no existing broadband connection in place already, this will be installed to ensure the property and its residents can connect to the internet.

### **Biodiversity Net Gain**

While every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

The proposed change of use would occupy an existing building and therefore the de-minimis exemption applies.

### **Response to Representations**

It is considered the material planning considerations, which largely focus on utilising the existing access to the site have been addressed within the main body of the report.

Children in care homes come from a wide range of backgrounds and experiencing a range of issues. With the proper safeguarding procedures in place, regulated by Ofsted and Childrens services, it would be unreasonable to assume the children occupying the property are a serious danger to the public or even criminally minded. Whilst the concerns about the proposed care home amongst residents are recognised to a point, the proposal has to be assessed on policies and material considerations.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

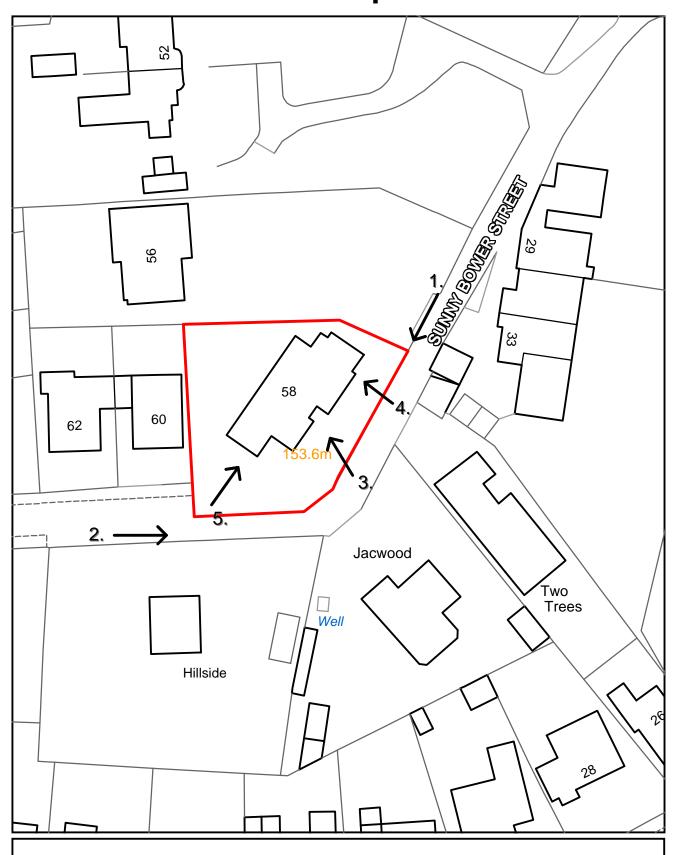
- 1. The development must be begun not later than three years beginning with the date of this permission.
  - Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2. This decision relates to drawings numbered L(90)001, L(21)001, L(20)002,

L(20)001, L(90)002 Rev A, L(21)102, L(21)101, L(20)101 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 and Places for Everyone Joint Development Plan listed.

- 3. The premises to which this approval relates shall be used for residential care only to a maximum of 3no. children/young persons 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, JP-P1 Sustainable Places, JP-C5 Streets for All, JP-C6 -Walking and Cycling and JP-C8 Transport Requirements of New Development.
- 4. The car parking indicated on the approved plans shall be 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 in the interests of road safety pursuant to Development Plan Policies CF1/1 Location of New Community Facilities, H4/2 Special Needs Housing, EN1/2 Townscape and Built Design, JP-C5 Streets for All and JP-C6 Walking and Cycling.

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

## 71503 - Viewpoints



ADDRESS: 58 Sunny Bower Street, Tottington, Bury, BL8 3HL

Planning, Environmental and Regulatory Services

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### 71503

## Photo 1



Photo 2



## 71503

## Photo 3



Photo 4



## 71503

## Photo 5





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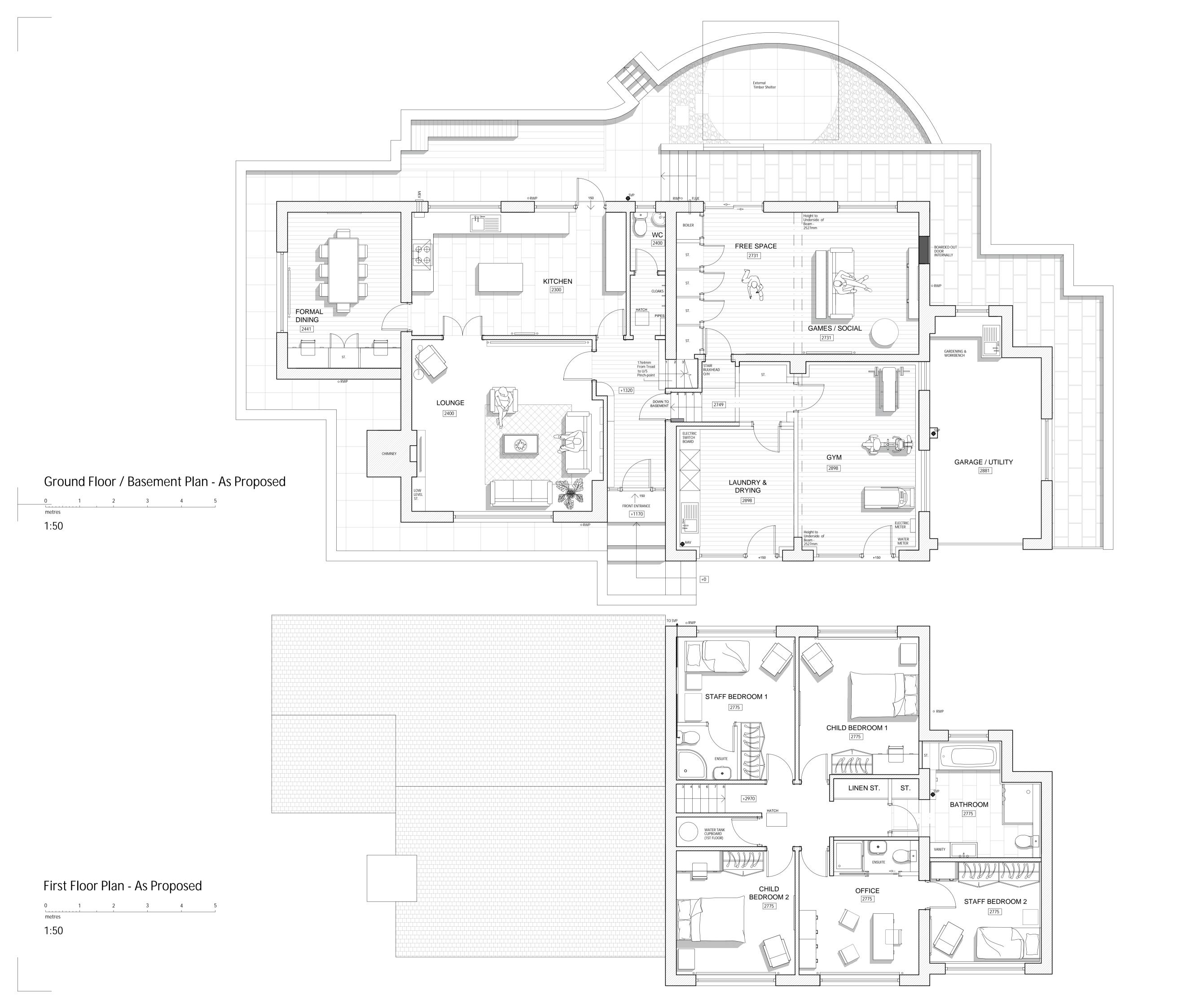
Application Boundary
Area 207.54m2

Outline of Land Ownership

Client Greater Manchester Combined Authority	Project New Skyline Sur	Project New Skyline Sunny Bower Street		
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	Drawing Title Existing Location	n Plan		
	Department No. MAN	Drg No. L(90)001	Revision	Sheet Size 1:1250 @ A4
	Aims. No. 2024/12/0001			
PREPARED BY GRAHAM + SIBBALD TECHNICAL SERVICES LLP	Drawn By MD	Checked By CL	•	Date 10.12.2024



233 St Vincent Street, Glasgow G2 50Y Telephone 0141 332 1194 Fax 0141 332 5914 Website: www.g-s.co.uk Email: cad@g-s.co.uk



NOTES:

FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS.
ALL DIMENSIONS TO BE CHECKED ON SITE.

Soil Vent Pipe

Rainwater Pipe

Air Admittance Valve





# Rear Elevation - As Proposed

0 1 2 3 4 5

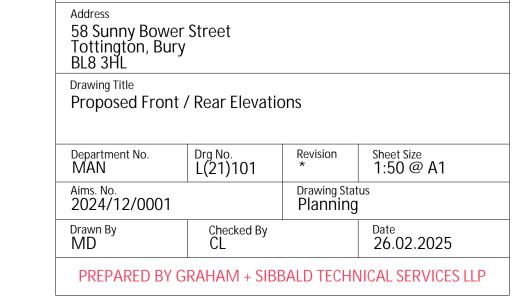
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# Front Elevation - As Proposed

0 1 2 3 4 5 metres

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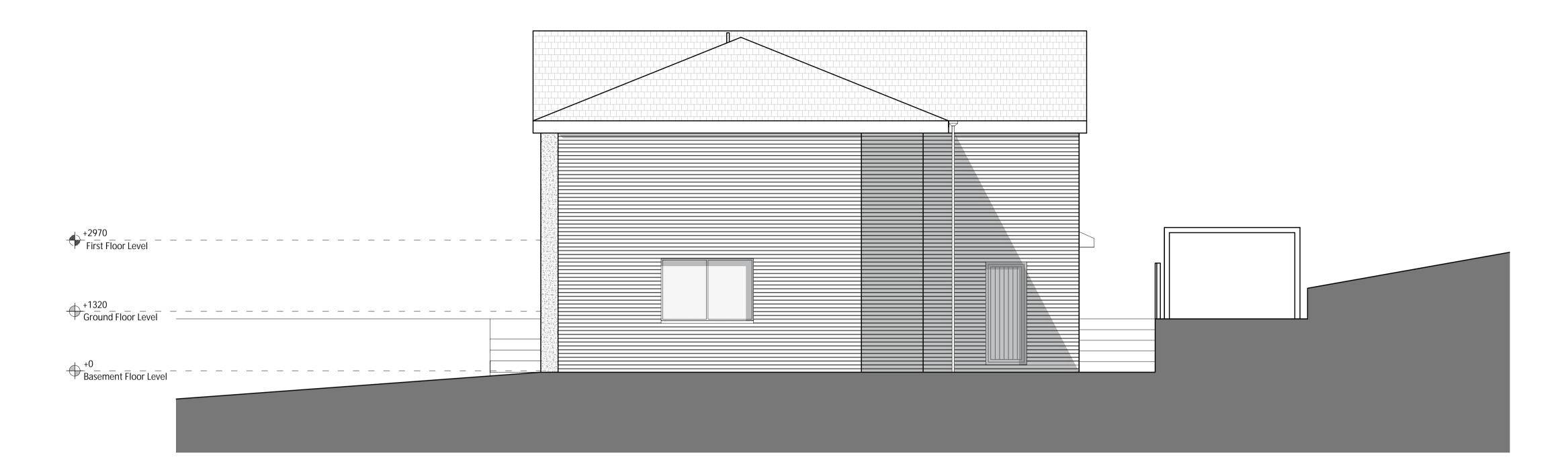
GRAHAM

Chartered Surveyors and Property Consultants

233 St Vincent Street, Glasgow G2 5OY Telephone 0141 332 1194 Fax 0141 332 5914 Website: www.g-s.co.uk Email: cad@g-s.co.uk

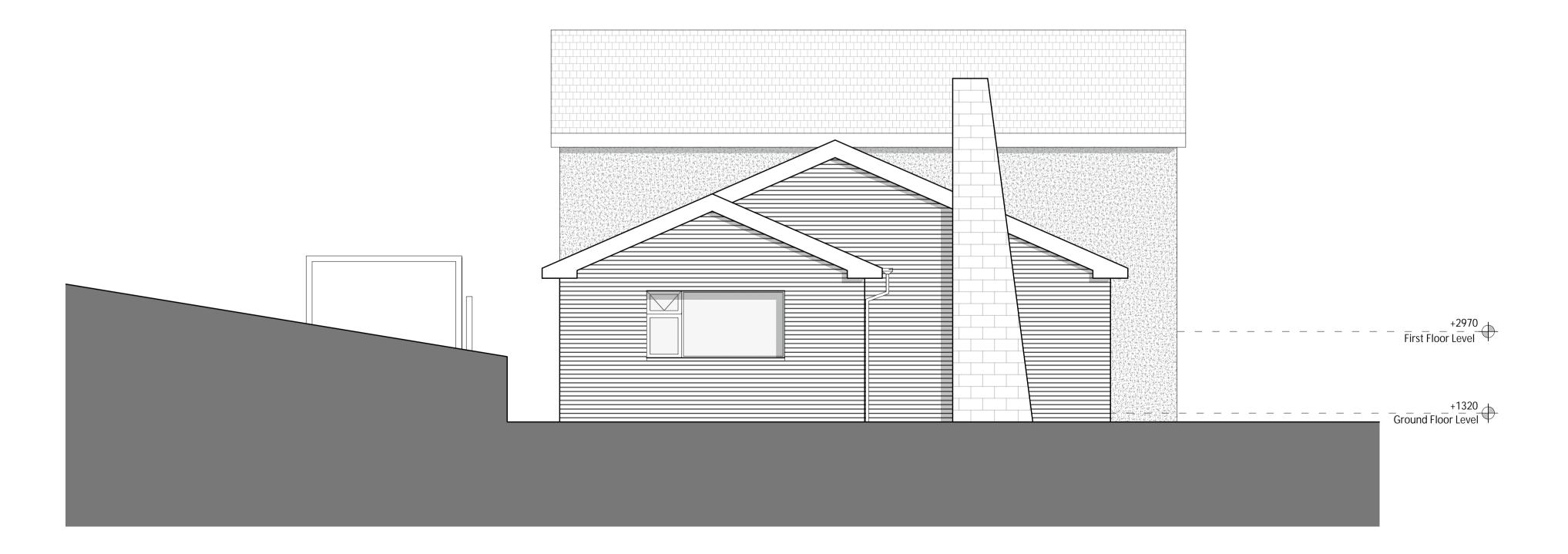
Greater Manchester Combined Authority

Project
New Skyline Sunny Bower Street



# Side Elevation 01 - As Proposed

0 1 2 3 4 5 metres 1.50



# Side Elevation 02 - As Proposed

0 1 2 3 4 metres 1:50

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Client Greater Manch	nester Combine	d Authority	, ,	
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Address 58 Sunny Bowe Tottington, Bu BL8 3HL	er Street ry			
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Department No.	Drg No. L(21)102	Revision *	Sheet Size 1:50 @ A1	
Aims. No. 2024/12/0001		Drawing Status Planning		
Drawn By MD	Checked By CL	1	Date 26.02.2025	
PREPARED BY	GRAHAM + SIBI	BALD TECHN	NICAL SERVICES LLP	

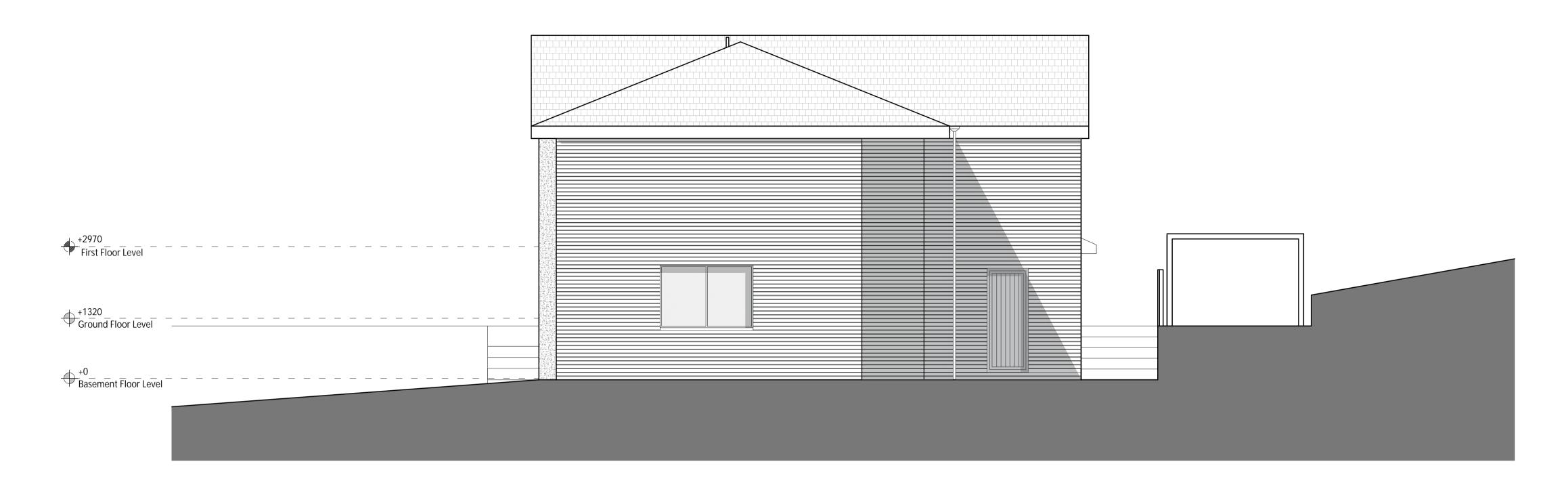
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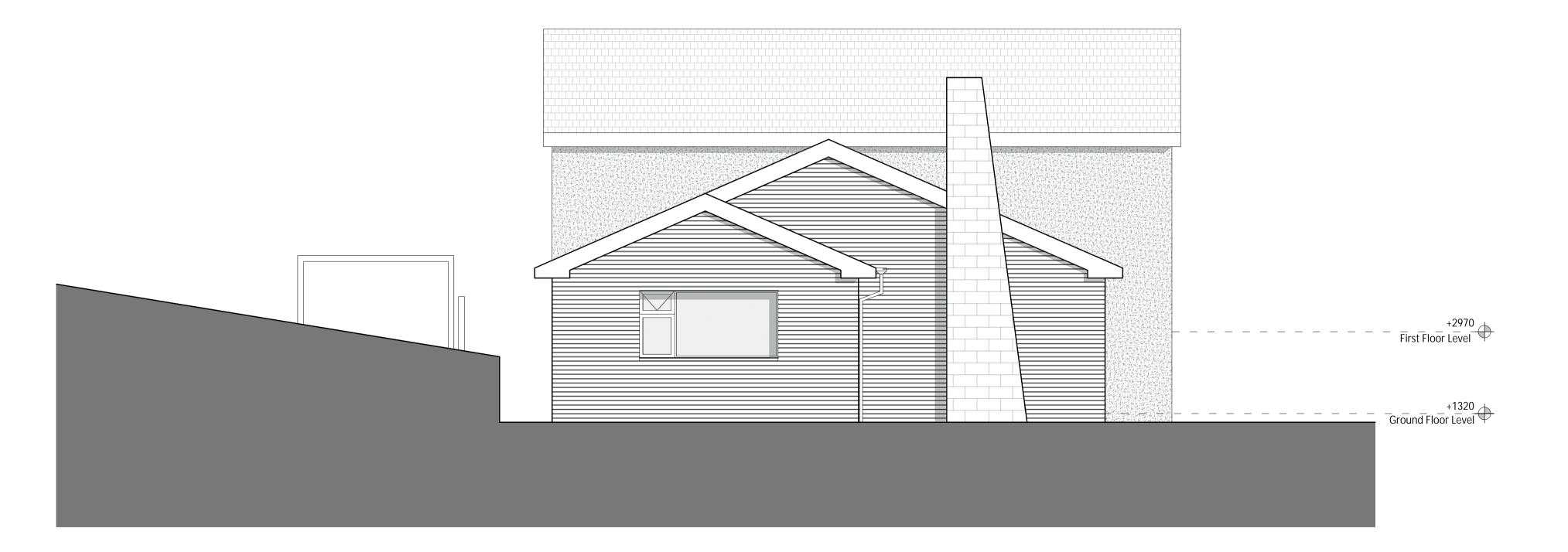
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Drawn By	Checked By		Date
MD	CL		15.01.2025

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# Side Elevation 01 - As Existing

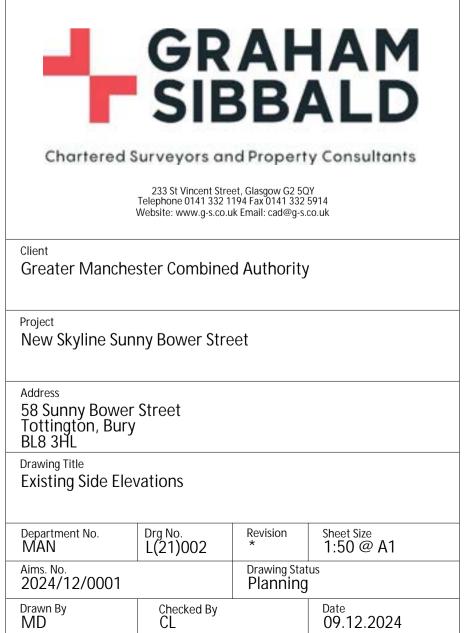
0 1 2 3 4 5 metres



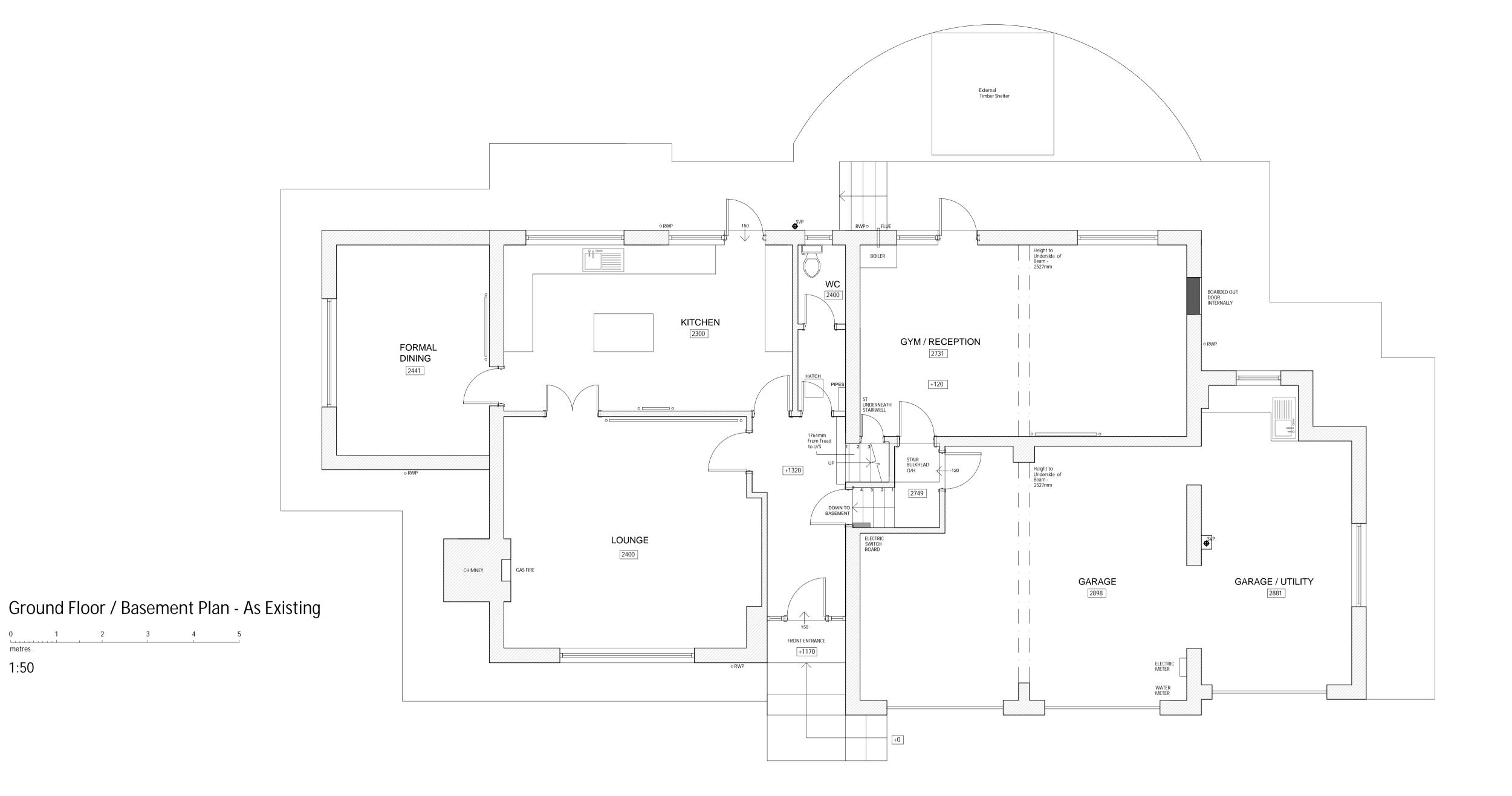
# Side Elevation 02 - As Existing

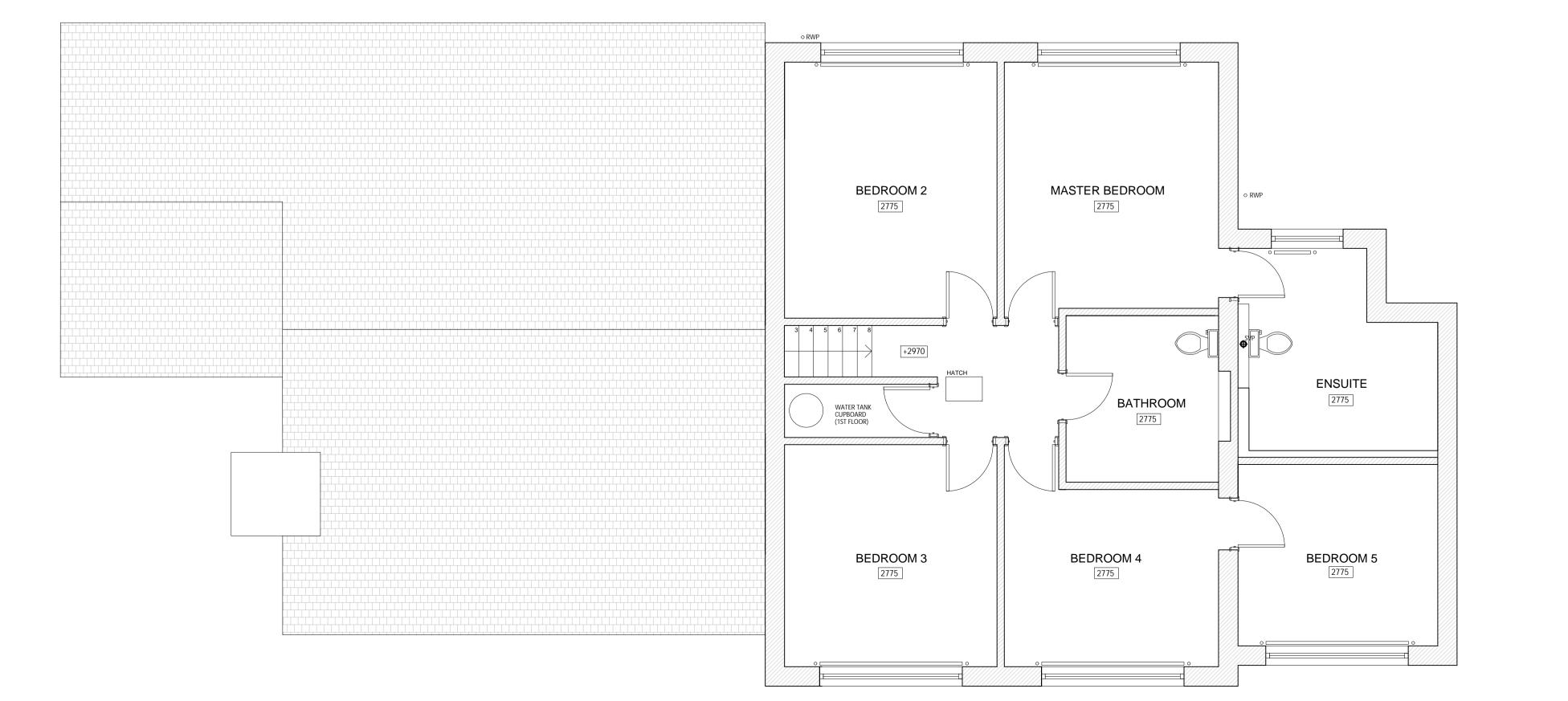
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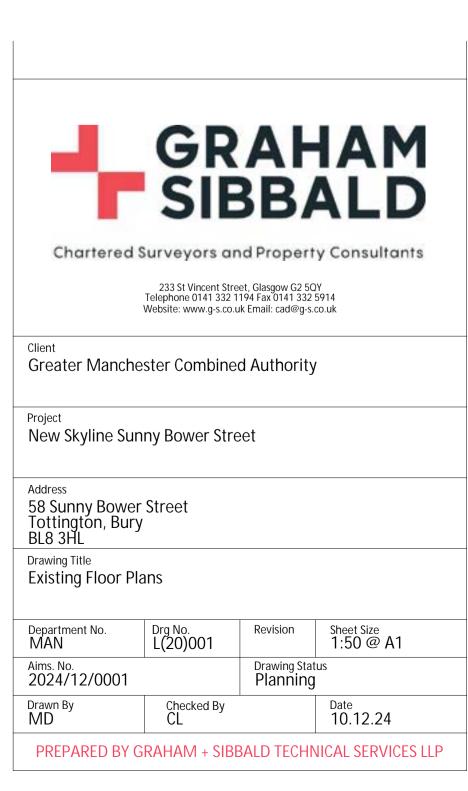
First Floor Plan - As Existing

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NOTES:
FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS.
ALL DIMENSIONS TO BE CHECKED ON SITE.

Soil Vent Pipe

Rainwater Pipe





# Rear Elevation - As Existing

0 1 2 3 4 5 metres



# Front Elevation - As Existing

0 1 2 3 4 5 metres

1:50



Greater Manchester Combined Authority

Project
New Skyline Sunny Bower Street

Address 58 Sunny Bower Street Tottington, Bury BL8 3HL

Drawing Title
Existing Front / Rear Elevations

Department No. MAN

Drg No. L(21)001

Revision Sheet Size 1:50 @ A1

Aims. No. Drawing Status Planning

Drawn By Checked By CL Date 09.12.2024

PREPARED BY GRAHAM + SIBBALD TECHNICAL SERVICES LLP