



Appeal Decision

Site visit made on 4 October 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2022

Appeal Ref: APP/T4210/W/22/3297379

73 Brierley Street, Bury BL9 9HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Abdullah Naveed against the decision of Bury Metropolitan Borough Council.
 - The application Ref 67554, dated 17 September 2021, was refused by notice dated 31 January 2022.
 - The development proposed is a change of use from C3 dwelling to C2 residential institution for proposed children's care home, for up to 4 children with a minimum of 2 full time carers overnight [1 sleeping], 3 full time carers during the day & living together as a single household.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- the effect of the proposed development on highway safety, with particular reference to parking; and
- whether the living conditions for future occupiers would be acceptable, with particular regard to the availability of suitable outdoor amenity space.

Reasons

Highway Safety

3. The appeal property is a five bedroomed end-terraced dwelling located on a corner plot at the junction of Brierley Street and Sultan Street. The property is situated within a densely populated residential area, characterised by predominately terraced housing with small back lanes running in between the rows of terraces. The property includes a small enclosed rear yard, however as with most properties in the surrounding area there is no provision for off-street parking.
4. The proposed development would change the use of the existing dwelling to a children's care home. The proposed use would see the property occupied by up to 4 children who would be supported by 3 full-time residential carers during the day and 2 full-time residential carers overnight.
5. Saved Policy HT2/4 of the Bury Unitary Development Plan (adopted August 1997) (UDP) requires developments to make adequate provision for their car

parking and servicing requirements in accordance with the Council's car parking standards. The Council's current car parking standards are detailed within the Development Control Policy Guidance Note 11: Parking Standards in Bury (May 2007) (SPD11).

6. SPD11 includes a table listing different types of developments and the maximum standards for car parking provision applicable to each development type. This includes residential institutions where it is stated that 1 car parking space per 4 beds should be provided, although SPD11 also makes it clear that parking standards for care and nursing homes should be considered on their own merits depending upon the nature and location of the proposal.
7. The proposed development does not provide any car parking spaces, and the lack of any off-street parking at the property means that staff and any other visitors attending the site by car would have to park on the street. The carers would work shifts resulting in a changeover of staff and an increase in vehicle movements at the end of each shift period, although no information as to the time or frequency of shift patterns has been provided.
8. Whilst unrestricted on-street parking is available in the vicinity of the appeal site, the Council observed during their site visit that there were difficulties locating a parking space even during the day. At the time of my early afternoon site visit I also noted that there were a very limited number of on-street parking spaces available in the immediate vicinity of the appeal site, with vehicles parked along both sides of Brierley Street and Sultan Street. Although my site visit was only a snapshot in time, it is an indication that demand for on-street parking in the area is relatively high particularly given that I would expect demand to be at its greatest in the evening when residents would for example be likely to return from work.
9. Although the existing carriageway widths on Brierley Street and Sultan Street mean that on-street parking can be accommodated without jeopardising access to emergency vehicles, the on-street parking of vehicles, often along large stretches of both sides of the surrounding roads, makes manoeuvrability on the highway difficult. As shown in image 1 of the appellant's appeal statement, and from my observations, whilst there is sufficient room for a single vehicle to drive along the surrounding roads, should two vehicles meet then they would be unable to pass when there is on-street parking. I also observed that the number of vehicles parked along the highway often restricted visibility when entering or exiting one of the many connected side streets, as well as making parking itself more onerous.
10. I acknowledge that on-street parking is an existing situation for the majority of properties in the vicinity of the appeal site, and that the existing use of the appeal property as a five bedroomed dwelling would likely result in vehicles belonging to any occupiers being parked on the street. However, the proposed use would result in up to 3 carers being on site 24 hours a day with shift patterns resulting in a turnover of staff, in addition to any other visitors and professionals who may attend the property.
11. I recognise the location of the site is near to various facilities and services and that its proximity to public transport links mean that it would be possible for carers and other visitors to travel to and from the property without their car. In such circumstances, SPD11 states that residential related developments may be able to provide less than the stipulated maximum number of parking

spaces. However, I find that given the nature of the proposed use including the need for 24-hour care, shift patterns, and the fact that children housed at the property would be expected to attend local schools and other after school groups and sports clubs, it would be highly unlikely that staff would not travel to the site by car.

12. Therefore, notwithstanding SPD11 which sets out that 4 bed dwellings should provide 3 car parking spaces whereas residential institutions should provide only 1 space per 4 beds, from the information before me I find that the proposed use would likely result in an increase in both vehicle movements and demand for on-street parking spaces in comparison to the existing use of the property as a dwelling. Whilst this increase may be moderate, in the absence of any substantive evidence to the contrary, I find that the proposed use would only serve to exacerbate an existing issue which would not be conducive to securing good levels of highway safety.
13. Furthermore, despite the sites corner plot location providing a potentially better parking context than some other properties in the locality, the available evidence indicates that there is an existing relatively high demand for on-street parking spaces in the area. In addition, the presence of a small number of houses opposite the appeal site on Brierley Street which have off-street parking, does little to reduce pressure for on-street parking given that the presence of dropped kerbs prevents any such parking.
14. I also note that the Council's Highways department objected to the proposal on the basis that the proposed servicing and car parking provision is inadequate and would likely lead to vehicles parking and carrying out manoeuvres on the highway, to the detriment of the free flow of traffic and road safety. Although there is little substantive evidence before me which indicates that the appeal proposal would require any specific servicing provision, for the reasons given above I find no compelling reason to disagree with this conclusion in respect of the lack of adequate car parking provision. The lack of third-party objections on this matter does not lead me to a different conclusion.
15. The proposed development would therefore not provide adequate car parking provision, resulting in vehicles parking and manoeuvring on the highway to the detriment of highway safety. As such, the proposal would be contrary to Saved Policy HT2/4 of the UDP and guidance contained within SPD11. These require, among other things, that developments make adequate provision for their car parking requirements.
16. The Council also referred to Saved Policies CF3, CF3/1 and CF5 of the UDP its decision notice, which relate to Social Services, Residential Care Homes and Nursing Homes, and Childcare Facilities respectively. However, in respect of this main issue regarding highway safety, the provisions of these policies are not applicable.

Living Conditions

17. The appeal property includes a modest amount of external private amenity space. This space is predominately located to the rear of the property in the form of an enclosed yard which is hard surfaced and measures approximately 32 square metres in area.

18. The National Planning Policy Framework (the Framework) is a material consideration in the determination of the application. One of the overall aims and objectives of the Framework is to achieve well-designed places. Paragraph 130 requires, among other matters, that planning decisions should ensure that developments create places which promote health and well-being, with a high standard of amenity for existing and future users.
19. The Council's Children's Centre & Early Years team have objected to the proposal, including concerns that the lack of outdoor space would be an issue as "children need outdoor space to play". Whilst the external amenity space is comparable in size to other properties in the surrounding area, the proposed use would see the appeal property occupied by up to 4 children or young people at any one time. This would likely intensify the need for sufficient outdoor amenity space for use over a prolonged period in comparison to a residential dwelling.
20. The appellant has referred me to various national guidance and standards for residential and children's care, including the 'Children's Homes Regulations and Quality Standards (2015)', and I acknowledge that none of these stipulate a specific or minimum area of external amenity space to be provided. However, given its size and layout I find that the proposed external amenity space would be inadequate for regular use by 4 children or young people and would not provide opportunity for a variety of different activities to take place within it. I therefore consider that the useability of this space would likely be limited and insufficient for the proposed use of the site.
21. Although there are parks and sports fields within walking distance of the appeal site which could be used by occupants of the property, these would most likely assist in older children who participate in larger or team sports which do not commonly take place within domestic gardens. I do not consider therefore that this is an appropriate alternative, particularly for younger children, nor would it overcome the poor standard of external amenity space provided at the appeal property.
22. I therefore conclude that the proposed development would result in unacceptable living conditions for future occupiers, with particular regard to the provision of suitable outdoor amenity space. The development would therefore be contrary to the Framework which, although not detailing any specific requirement or size for outdoor amenity space, seeks that development provides a high standard of amenity for future users.
23. The Council has referred to Saved Policies H2/2, EN1/2, CF3, CF3/1 and CF5 of the UDP in its decision notice. However, as none of these policies are relevant to this main issue concerning the living conditions of future occupiers, they have not been determinative in relation to this matter.

Other Matters

24. I have had regard to other various matters raised including concerns relating to anti-social behaviour, and the potential for noise and disturbance to be generated by the proposed use to the detriment of the living conditions of occupiers of nearby residential properties. However, as I am dismissing the appeal on other grounds, I have not pursued these matters further.

Conclusion

25. The proposed development would provide a valuable service in the community by providing accommodation for children and young people who have been placed in social care. There would be benefits to the local economy through employment opportunities for local people. I acknowledge that a number of policies contained in the UDP also support the proposal in principle, including policies H4/2, CF3 and CF3/1. I find however that these benefits are outweighed by the adverse impacts that would arise from granting planning permission, by reason of unacceptable harm being caused to highway safety and to the living conditions of future occupiers.
26. The proposal would conflict with the development plan, when taken as a whole, and there are no material considerations, including the approach of the Framework, which would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

David Jones

INSPECTOR