

Officer Report

Case Reference: 25/01172/FUL
Location: 316 MANCHESTER NEW ROAD, MIDDLETON,
MANCHESTER, M24 1JR
Proposal: Change of use from dwellinghouse to children's care home
(Use Class C2) for a maximum of 4 children with carer
accommodation
Recommendation: Approve with Conditions
Officer: Luke Rigby

SITE DESCRIPTION AND CONTEXT

The application site consists of a 2.5 storey semi-detached residential dwelling located to the west of Manchester New Road in a predominantly residential area of Middleton. The existing dwelling is constructed of facing brick with a hipped roof and partial render at first floor.

Dwellings along Manchester New Road are eclectic in character. Whilst most have been extended significantly over the years, some semblance of uniformity between dwellings exists despite the varied architectural character.

The application dwelling is not listed, nor is it within a Conservation Area. There are no other constraints associated with the application site.

PROPOSAL

The application seeks planning permission for the change of use of the existing dwellinghouse (Use Class C3) into a residential institution (Use Class C2) for the care of up to 4No. children including carers accommodation.

The application form indicates that 2No. full time staff and 1No. part-time staff members would be employed at the site to provide 24/7 care working on a rota-system with 2No. members of staff on the premises at any given time and a manager would also be present at the site on occasion. The carers would not live at the application site permanently.

Alongside the 2No. Members of staff and occasional managerial presence, it is likely that home visits will occur regularly from Social Workers and/or other professionals.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

01/D39367 - Two storey side extension to dwelling. Grant Subject to Conditions

03/D42084 - Single storey rear extension. Grant Subject to Conditions

07/D48875 - Rear dormer extension to dwelling. Grant Subject to Conditions

RELEVANT PLANNING POLICIES

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Regional Guidance

Saved Rochdale Unitary Development Plan (UDP) 2006:

G/D/1 Defined Urban Areas

Adopted Rochdale Core Strategy (CS):

C1 Delivering the right amount of housing in the right places

C3 Delivering the right type of housing

P1 Improving Image

P2 Protecting and enhancing character, landscape, and heritage

P3 Improving Design of New Development

DM1 General Development Requirements

SD1 Delivering sustainable development

T2 Improving Accessibility

Sub-Regional Guidance

Places for Everyone Joint Development Plan (PfE)

Policy JP-J1 Supporting Long-Term Economic Growth

Policy JP-J2 Employment Sites and Premises

Policy JP-P1 Sustainable Places

PUBLICITY

Site Notice: N/A

Press Notice: N/A

Neighbour notification letters: In accordance with the Council's adopted Statement of Community Involvement, notification letters were sent to immediate neighbours.

ASSESSMENT

Principle of Development

Policy C1 of the Rochdale Core Strategy seeks to deliver the right amount of housing in the right places. Policy C3 of the same notes that the Council will seek to ensure that new development provides housing types taking into account local needs and will support the provision of housing on appropriate sites to meet the needs of specific groups such as the elderly and other vulnerable groups.

At Paragraph 98, the National Planning Policy Framework (henceforth, the Framework) seeks to ensure the provision of facilities and services that reflect community need, taking into account, if appropriate, local strategies to improve health and well-being of all members of the community.

The application seeks planning permission for the Change of Use of the dwellinghouse to a residential institution for a maximum of 4No. children. The application site is located in a predominantly residential area surrounded by residential dwellings to all elevations.

The use of the dwelling as a residential institution would not differ significantly from the existing, and surrounding, uses. It is therefore considered that the development is acceptable in principle.

Visual Amenity

No external alterations are proposed to the dwelling and therefore, should the application be recommended for approval, the building would still appear as a dwelling and would therefore be indistinguishable visually from its neighbours and current use.

It is therefore considered that the proposed change of use would not materially alter the visual character of the dwelling and therefore would accord with Policy DM1 of the Core Strategy and the relevant design provisions of the Framework.

Amenity

Policy DM1 of the Core Strategy seeks to ensure that proposals do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing, or loss of privacy. Impacts including noise, air, dust, light, and odour should be mitigated where necessary.

The existing building is in use as a residential dwellinghouse and is therefore recognised to provide a suitable level of amenity for both neighbouring dwellings and future occupiers. The application does not propose to alter the external appearance, or footprint of the dwellinghouse, nor does it appear that any substantial internal changes are proposed to the size of bedrooms or living space.

Therefore, the considerations in respect of amenity relate to whether the noise and disturbance of the comings and goings of staff working on the rota system associated with the proposed use would be detrimental to the amenity of neighbouring dwellings. In assessing this, a judgement is made as to whether the proposed use as a home for 4No. children receiving care (Use Class C2) would have a materially greater impact on the living conditions of neighbours than the existing C3 dwelling house.

In respect of the noise and disturbance generated, whilst the proposals would likely result in a similar number of occupants to the existing dwellinghouse, there could be some intensification of use at the site by introducing a number of staff and visitors, however the movements of workers to and from the site are considered out of keeping for a large dwelling of this size and in respect of the context. Given the site is situated on an A road and close to junction 20 of the M60, any additional traffic movements from the site would not have a material impact on the area.

Additionally, the proposed use would be predominantly residential, and within this residential context, is not considered to be of such intensity that it would unduly threaten the amenity of surrounding occupiers by way of noise and disturbance.

Overall, taking note of the size of the dwelling, it is considered that the care of 4No. children with the increased number of coming and goings during the hand over periods and any additional visitors as may be required, would be akin to the existing C3 dwelling house being occupied by a family. It is therefore considered that the proposals would not unduly impact the amenity of the surrounding occupiers to a greater extent than the existing C3 use of the site. The proposals would accord with the requirements of Policy DM1 of the adopted Core Strategy and the National Planning Policy Framework.

Crime and Fear of Crime

Paragraphs 96(b) and 135(f) of the NPPF aim to achieve development which is safe and accessible insofar that crime and disorder – or the fear of such - do not undermine quality of life or community cohesion. Policy DM1 of the Core Strategy seeks to minimise opportunity for crime against people or property.

It is an established principle in law (Smith v. First Secretary of State [2005]) that fear of crime can be a material consideration in planning (as an element of public safety) but that fear itself is not enough. That fear must be objectively justified rather than just perceived. Therefore, in order to take criminal incidents into account, it is necessary not only to attribute them to the individuals concerned but also to the use of the land. If the concern for the future rests at least partly on assumption not supported by evidence as to the characteristics of the future occupiers, it does not form a material consideration that can be considered by the Local Planning Authority.

It is not considered in this instance that the proposed development would increase the potential for crime in the immediate area. Whilst concerns have been raised that the proposed use could give rise to "incidents" that would require external intervention is not in itself objectively justified; furthermore, this representation does not, in itself, reference potential for crime.

Highways and Parking

Paragraph 116 of the Framework states that development should only be refused on highway grounds if the impact of the development on the highway network, after mitigation, and taking into account all future scenarios, would be severe.

The Council's Highways Officer was consulted on the proposal and raises no objection to the proposal. The Highways Officer notes that there is sufficient parking available for the use and there are no safety concerns raised in relation to the highway.

Furthermore, the use of the dwelling as a residential institution would not differ significantly – in respect of highway safety – from its use as a regular dwellinghouse. There is a driveway to the front elevation of the dwelling with sufficient space to accommodate 2No. vehicles, and the coming and goings of vehicles would be similar to what one would expect from a C3 dwellinghouse of this size in this location where a family would reside.

It is acknowledged that the Council's Children's Services department, and neighbours, have raised concerns over parking provision and impact on the highway network. Whilst these are acknowledged, as noted above, the Highways Officer raises no concerns over impact on the highway network, and there is suitable parking provision for the use. Notwithstanding, there are several bus stops along Manchester New Road - which is a busy public transport route – and there is no evidence in this instance that those working at the site could not utilise public transport.

Having regard to the above, in accordance with Paragraph 116 of the Framework, and in the absence of any objection from the Council's Highway's Department as Local Highways Authority, it is considered that the proposed development would not significantly undermine the safety of the highway network in this instance.

Policy T2 of the Core Strategy sets out that development and infrastructure proposals are required to satisfy the Council's accessibility hierarchy and, in all circumstances, the safety, accessibility and amenity of those who live or have business in the area will have priority, while providing reliable journey times for those travelling through. Developments are required to provide parking in compliance with the Council's Maximum Car Parking Standards as set out in Appendix 5 of the Core Strategy.

The proposal would accord with Policy T2 of the Core Strategy and the relevant provisions of the Framework.

Other Matters

It is acknowledged that concerns were raised from the Council's Children's Services department in which they do not believe the applicant has sufficient experience to run a facility providing care for children.

Whilst these concerns are acknowledged, there is a separate regulatory framework for residential childcare. Having regard to this, it is not for Officer's to assess the suitability of an applicant to provide care; it is further noted that permission is carried with the land and not the owner and therefore whilst acknowledged, this is not a material consideration in the determination of this application.

It is further acknowledged that Children's Services raised concerns regarding an overprovision of privately run children's homes in the borough which put pressure on other

services. Whilst this is acknowledged, it is noted that the running of the home by a private company is not a material consideration in the determination of this application; the use of the dwelling as a children's home would, in planning terms, be identical whether the home was to be ran by a private company or the Local Authority itself.

Furthermore, it is not considered that the use of the dwelling providing care for 4No. children would put significantly more pressure on local services than one would reasonably expect should the dwelling continue to operate under its current use (C3).

The comment received regarding the Planning Statement incorrectly stating that the dwelling is located in Blackley is incorrect is acknowledged. The Planning Statement gives the location of the dwelling relative to Blackley (northwest) but does not state that the dwelling is located in Blackley.

Comments received in relation to installation of security cameras are acknowledged; there is no evidence that security cameras would be installed. Notwithstanding, this is covered by separate legislation.

Comments received regarding overdevelopment and cumulative impact eroding the residential nature are acknowledged. No external changes are proposed to the building, therefore there is no risk of overdevelopment and, from the street scene, it would not be possible to identify the building as a residential institution. It is further acknowledged that concerns are raised regarding the erosion of the residential nature of the surrounding area. It is pertinent to note that residential institutions such as that proposed under this application are still within Use Class C and are therefore still considered to be residential in nature.

CONCLUSION

The proposal would make a contribution to meeting the demand for care for children and young people. The character and appearance of the property would remain as existing, without there being a significant increase in comings or goings compared to the existing use. The property is located in a relatively sustainable location.

Overall, the proposal being considered against the Framework, the relevant policies of the development plan, and any other material considerations, following careful consideration of all the issues raised through the application process, it is recommended the application be approved, subject to appropriate and reasonable planning conditions.

SUMMARY OF THIRD-PARTY REPRESENTATIONS

4No objections received which can be summarised as follows:

- Concerns regarding noise and disruption
- Daytime noise would be detrimental to those who work from home during the day
- There will be an increase in deliveries and vehicles visiting the dwelling which will lead to parking congestion and increased noise
- Potential installation of security cameras will overlook neighbouring dwellings and private amenity space
- Unsuitable location
- Concerns raised over parking given the busy nature of Manchester New Road.
- The proposed use would be an intensification compared with the existing use.

- The level of activity would be out of keeping with the area.
- Risk of overdevelopment and cumulative impact which would erode the residential nature of the area.
- The loss of a four bedroomed dwelling in this location would mean those wishing to upsize would have to leave the area.
- Concerns over suitability of the location given its proximity to Alkrington Garden Village
- The proposal will give rise to incidents that require external intervention which will cause anxiety for neighbouring dwellings.

SUMMARY OF CONSULTATION RESPONSES

Highways and Engineering

No objection to the proposal, comments summarised as follows:

- The application site is located on a busy public transport route with regular services between Middleton and Manchester
- Ample parking is available on site for the use
- Traffic generation will be low
- No road safety issues raised

Children's Services

Objects to the proposal on the basis of an overprovision of privately run homes without certainty of addressing local needs. Comments were also made on detailed points of operation.

RECOMMENDATION: Grant subject to conditions

PROCEDURAL STATEMENT

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No significant problems have arisen during the consideration of this application, and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

Human Rights and Public Sector Equality Duty

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights in relation civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.

In addition, the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application. In particular due regard has been afforded to the need to:

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;

- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers are satisfied that the application material and Officers' assessment has taken into account these issues.

The application has been considered in accordance with the Rochdale Equity, Diversity and Inclusion policy – Embracing All Voices (2024-2026), which seeks to promote a culture of equity, diversity and inclusion that benefit the community as a whole.

Recommendation: Approve with Conditions

Condition(s) (3)

- 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 of the Town and Country Planning Act 1990 (As Amended)

- 2 This permission relates to the following plans and documents: -

Location Plan (DWG No. 11255956/4)

Proposed Floor Plans and Elevations (DWG No. 11255956/2)

Application Form

And the development shall be carried out in accordance with these hereby approved.

Reason – For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Unitary Development Plan, and the National Planning Policy Framework.

- 3 The residential institution hereby approved shall accommodate no more than four children at any one time.

Reason - In the interests of neighbour amenity and highway safety in accordance with Policies DM1 and T2 of the adopted Rochdale Core Strategy, and the National Planning Policy Framework.