

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/01143/FUL

CASE OFFICER

Rosalind Gralton

DETERMINATION DATE 23.01.2025 **EXT OF TIME** 19/02/2025

Address: 11 Lowerfold Drive Rochdale OL12 7JA

Proposal: Change of use from dwelling house (Use class C3) to residential institutions (Use class C2) for up to 3 children and removal of garage door

PUBLICITY	Weekly list expired?	Y	Site notice expired?	NA
	Neighbour letters expired?	Y	Press Notice expired?	NA

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	NA
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION

APPROVE SUBJECT TO CONDITIONS

CHECKED AND SIGNED OFF BY:

DATE:

SITE

The site is located within the defined urban area, in the Shawclough area of Rochdale, surrounded by residential C3 dwellinghouses along Lowerfold Drive. Dwellinghouses are typically detached with off street parking and private rear gardens. Wordsworth Way

is not saturated by parking, and is sited on a narrow road. 11 Lowerfold Drive is a detached 5 bedroom house, with two off street parking spaces and a private rear garden area.

There are no trees subject to a Tree Preservation Order within the site. The dwelling has a driveway providing off-street parking for 2 vehicles, plus an integral garage.

The site is not a listed building, is not within or adjacent to a conservation area, and is not a, nor adjacent to any designated heritage assets.

PROPOSAL

Planning permission is sought for the change of use of the dwellinghouse into a residential institution (Class C2), for up to three children ages between 8-17 years who would be cared for by a team of carers on a 24/7 basis.

The applicant has confirmed 6 employees would be associated with the property on a regular basis. An assistant manager and a registered manager would work within the home Monday-Friday between 09:00 and 17:00hrs. 2 care staff would be at the property looking after the children at any one time. The handover period between carers would last typically 30 minutes and would happen twice a day between 24 hour shifts at 10:00-10:30am. The two carers on shift would be asleep at the property between 22:30-07:00.

It is noted while not captured in the application form, on occasion, visits from other professionals can occur.

The proposal has been submitted by the Council in order to reduce the number of children from the Rochdale Borough from living in privately run care homes outside the borough at a significant distance away from their communities, and will be more likely to receive good quality care and better quality outcomes.

In order to convert the property a garage conversion is proposed with removal of the existing garage door and a new window.

Amended Plans

The originally submitted plans did not include a new window in place of the garage door, simply a bricked up wall. Following officer advice, amended plans were submitted to show a new window in place of the former garage door. Neighbours were re-notified following the change.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Places For Everyone

JP-P1 Sustainable Places

Adopted Rochdale Core Strategy (CS):

DM1 - General Development Requirements

C1 - Delivering the right amount of housing in the right places
C3 - Delivering the Right Type of Housing
P3 - Improving design of new development
G9 - Reducing the impact of pollution
T2 - Improving Accessibility

Unitary Development Plan (UDP):

G/D/1 - Defined Urban Area

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

18/01337/HOUS - Single storey rear extension following demolition of existing conservatory – Grant subject to conditions

02/D40174 - First Floor Side Extension To Dwelling – Grant subject to conditions

CONSULTATION RESPONSES

Env Health - Noise/Odours

No objections

Childrens Services

No objections

Highways And Engineering

No comments received to date

REPRESENTATIONS

The application was publicised by way of neighbour notification. 29 letters of objection have been received. One of these objections included a petition which presented the names, address and signature of 45 people.

Comments are summarised as below:

- Not the right area to support young people as the area is predominately elderly
- No parks within a 2 mile radius
- Won't integrate children into community life, their needs won't be met
- Criminal hotspot nearby which is inappropriate for vulnerable children
- Concern about visits and nature of visitors to the property
- Concern of number of cars parked in area
- Concern of property damage
- Impact of crime and anti-social behaviour
- Nuisance and noise
- Restrictive covenant preventing use of a dwelling for business or trade
- Difficult access to Lowerfold Drive
- How can we be certain the proposal is in the best interest of children rather than financial gain
- Impact of access on inclement weather
- Impact on property prices

Officer Response to public comments

Most of the matters raised in public comments are addressed in the relevant sections of the following analysis.

Concern of property damage and property prices are not a material planning matter. Any restrictive covenants on the property are not a consideration for planning and would be a separate legal matter for the applicant.

It is noted the concerns raised regarding if the proposal is in the best interest of children rather than financial gain. The planning application must be taken at face value that the applicant has the best intentions for the children and young people who will occupy the property, unless material considerations discussed below provide evidence otherwise.

ANALYSIS

Principle of Development

Core Strategy Policy C1 seeks to deliver the right amount of housing in the right places. Policy C3 notes that the Council will seek to ensure that new development provides housing types that take account of local needs and support the provision of housing on appropriate sites to meet the needs of specific groups including older people and other vulnerable groups.

Paragraph 98 of the NPPF seeks to ensure the provision of facilities and services the community needs, taking into account the account local strategies to improve health and well-being for all sections of the community.

The application seeks the change of use of the dwellinghouse to a residential institution for up to three children at the property.

The site is in a residential area and the current use demonstrates its suitability for habitation and therefore a C2 use as a children's home is acceptable in principle.

Living Conditions and Residential Amenity

Policy DM1 of the Core Strategy requires that proposals do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. Also, impacts including noise, air, dust, light and odour pollution are required to be mitigated where necessary.

The site is currently in use as a residential dwelling, and is recognised to provide a suitable level of occupier amenity for existing and future residents. As part of the proposed change of use a garage would be converted into an office, and removal of the existing garage door with a window to match the existing. The proposal would not result in the detriment of visual amenity of the site and surrounding area.

The considerations in respect of amenity therefore relate to the impact of the development on privacy, and through noise and disturbance by virtue of the amounts and comings and goings which would be associated with the proposed use. In assessing this, a judgement is made whereby the proposed use as a home for 3 children receiving care (C2) would have a materially greater impact on the living conditions of neighbours than the existing C3 dwelling house.

The site is located along Lowerfold Drive, is a detached house and off street parking is available. There will be 6 members of full-time staff. 2 of these would be a manager and a deputy, working 9-5 Monday to Friday, and the remainder of the team comprises of 4 care staff working in the property 24/7. This team of 4 staff will be split between 2 carers at a time, working on 24 hour shifts. During the hours of 22:30-07:00, the carers will be asleep. In relation to visitors to the property, it can be expected that visits from professionals and family members would occur. It can also be assumed the children will attend school.

The “comings and goings” of up to three children and two adult staff will therefore be increased in number during a 30 minute handover period and any additional visitors as may be required is considered to be akin to the existing C3 dwelling house which could be occupied by two adults and three children. As the dwelling is detached, in respect of the noise and disturbance generated, whilst the proposals would likely result in a slightly higher number of occupants to the existing dwellinghouse, the intensification of use at the site by introducing a number of staff and visitors can be considered to be equal to, or less than that of visitors to a C3 residential dwellinghouse on a typical daily basis. Movements of workers to and from the site is not out of keeping with movements of residents from typical dwellinghouses to and from work elsewhere and support staff visiting dwellinghouses. 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.

The dwelling has a private driveway that can accommodate a minimum of two car parking spaces. Three children would have a minimum of two carers at any one time and the site will provide sufficient parking. During the handover there would be an increase in cars for a short period of time as staff will rotate. Lowerfold Drive is a quiet, residential road and on-street parking is available. The proposed movements of the staff and any visitors would be similar to a typical dwellinghouse. While the intensity of on-street parking may increase, this would not result in a detrimental impact to the residential amenity of neighbours. As such this is considered acceptable.

The Guidelines and Standards for Residential Development SPD Adopted June 2016 sets out how it is important for sufficient garden space is retained for playing and sitting out. The garden is considered an acceptable size in relation to the dwelling – no changes are proposed to reduce its size. The window would have a 24m approximate distance to the facing front elevation of the property directly opposite, and would not result in any unacceptable impact by way of overlooking.

The public comments on the suitability of the location for children are noted, including lack of proximity to parks and facilities specific for children. The area is a residential cul-de-sac, in a wider area characterised by residential properties, which while some occupants may be elderly, the area will be occupied by families also. The property benefits from a large private garden, and is not considered the location is unsuitable for the age of the occupants of the property as a residential institution use.

In light of the above, it is considered that the proposals would not unduly impact the amenity of the occupants or the surrounding occupiers to a greater extent than the existing C3 use of the site. The proposals would accord with the requirements of Policies DM1 and G9 of the adopted Core Strategy and the National Planning Policy Framework.

Crime and Fear of Crime

Both Paragraphs 96 and 135 of the NPPF aim to achieve development which is safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Core Strategy Policy DM1 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 has to be objectively justified rather than just perceived. So 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 cannot be taken into account.

The representations received note a concern of anti-social behaviour among the possible occupants. However, for crime to be material, there will need to be some reasonable evidential basis for that fear, based on the proposed change of use. Greater Manchester Police are not a statutory consultee and given the nature of the home it is not considered that discretionary consultation is required in this instance. As this assumption is not supported with evidence it cannot be taken into account.

Accordingly, the proposed development complies with relevant policies of the NPPF and is considered acceptable.

Visual Amenity

The proposals include the removal of a garage door and the insertion of a replacement window on the front elevation.

The proposed window would have a matching window and be aligned with the windows at first floor. The proposal would maintain the uniformity of the dwellings within the streetscene and would not result in an unsightly appearance.

Highways

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.

Paragraph 116 of the NPPF states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'*

The Council's Highways Department was consulted as part of the application process and no response has been received. On this basis a decision must be made in the absence of their comments. It is noted the property will continue to operate in a similar way to that of a C3 dwellinghouse. The property benefits from a large driveway with at least two car parking spaces on site, and this is considered acceptable. On the occasion of staff handover and visitors where additional parking is required, on-street parking is available, with this akin to visitors to a Class C3 dwellinghouse. It is

acknowledged the submitted representations regarding access to the property being impeded during inclement weather. The proposed access to the property is considered suitable as a C2 dwelling, and would be considered acceptable for the reasons set out above.

The proposal will comply with Policy T2 of the Core Strategy and relevant policies in the NPPF.

RECOMMENDATION

GRANT subject to conditions

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

Site Plan As Proposed – Drawing No 19 Rev A

Front Elevation As Proposed – Drawing No 15 Rev A

Ground Floor Plan As Proposed Drawing No 13 Rev A

First Floor Plan As Proposed – Drawing No 14

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 Rochdale Unitary Development Plan and the National Planning Policy Framework.

3. The proposed materials to the wall and window replacing the garage door, shall match that of the existing building, as stated within the application form hereby approved.

Reason: In the interests of amenity and in compliance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4. The care home hereby approved shall not accommodate more than three children at any time.

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

Procedure Statement

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 to issue the decision without delay.