

APPLICATION NUMBER: 24/00682/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00682/FUL

CASE OFFICER

Hamish Rigg

DETERMINATION DATE 07.11.2024

Address: 20 Halliwell Street Milnrow Rochdale OL16 3LZ

Proposal: Change of use from a residential dwelling (Use Class C3) to a residential children's home (Use Class C2)

PUBLICITY	Weekly list expired?	Y	Site notice expired?	n/a
	Neighbour letters expired?	Y	Press Notice expired?	n/a

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?	n/a
-----	--	-----

CONDITIONS	Pre-commencement conditions proposed?	n/a
	Pre-commencement conditions agreed (or notification period expired)?	n/a

RECOMMENDATION	Refuse
----------------	--------

CHECKED AND SIGNED OFF BY: RK

DATE: 05/11/2024

SITE

The application relates to 20 Halliwell Street, a two-storey end of terrace property in Milnrow, Rochdale. Halliwell Street predominantly comprises traditional York Stone terraced houses, situated on the fringes of Milnrow village centre, to the north-west. The immediate vicinity consists of housing, whilst the wider area includes shops, public amenities, warehouse units, and open green space.

No. 20 face south-west, fronting the pavement and overlooking the public highway. It adjoins no. 18 to the south-east and sits adjacent to no. 22 to the north-west. The rear boundary faces north-east, bordering the curtilage of no. 10 Shore Street.

PROPOSAL

Permission is sought for the change of use from a residential dwellinghouse (use class C3) to a children's home (use class C2), requiring no external alterations to the property.

RELEVANT PLANNING POLICY

National

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Local

Saved Rochdale Unitary Development Plan (UDP) 2006:
G/D/1 Defined Urban Area

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-P1 Sustainable places

Adopted Rochdale Core Strategy (CS) 2016:

The Rochdale Core Strategy was adopted on 19th October 2016. The following policies are relevant:

SD1 Delivering sustainable development
DM1 General development requirements

SO2 Creating successful and healthy communities

C1 Delivering the right amount of housing in the right places
C3 Delivering the right type of housing
C6 Improving health and well being

SO3 Improving design, image and quality of place

P1 Improving image
P2 Protecting and enhancing character, landscape and heritage

P3 Improving design of new development

SO5 Improving accessibility and delivering sustainable transport

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

None

CONSULTATION RESPONSES

Childrens Services 24/09/2024

Objection:

Based on the information provided Children's Services can not provide a full response however, Bevan Care are not a current provider of residential provision in the borough or a Registered Children's home provider. Rochdale continues to have a significant number of residential providers in the borough which do not meet the need of our children locally. Therefore we are not supportive of this application.

Highways And Engineering 30/09/2024

We have no sustainable objection to this proposal.

Whilst we understand concerns regarding a lack of parking at this location there is not sufficient reasons for use to object to this proposal. The proposed use is expected to operate much the same as any other home.

Env Health - Noise/Odours 30/09/2024

No objections

REPRESENTATIONS

Letters of notification were sent to surrounding properties 19/09/2024. Seventeen objections were raised in relation to the following:

1. Increased pressure on street parking availability and traffic congestion.

Officer's response: parking issues are addressed in the highways section of this report.

2. A residential area is an inappropriate setting for a commercial venture.

Officer's response: addressed in the Principle of Development and Amenity section of this report.

3. Fear of anti-social behaviour.

Officer's response: addressed in the crime and anti-social behaviour section of this report.

4. Adverse impact on neighbouring amenity due to comings and goings of staff/visitors

Officer's response: addressed in the amenity section of this report.

5. Insufficient internal amenity and garden space to accommodate children in care.

Officer's response: addressed in the amenity section of this report.

6. Doubt regarding the applicant's experience/authorisation as a provider of children's care.

Officer's response: the ability of the applicant to fulfil the operational needs of the proposed use is not a material planning consideration. However, members of the public can be reassured that in the event that planning permission is granted, the prospective care givers would need to be fully registered with Ofsted before being able to operate. The Council's Child Services department have been consulted on the application and aware of any regulatory requirements.

7. Impact on the privacy of neighbours due to the applicant site's elevated garden.

Officer's response: the application includes no external structural works and given the property's existing residential use, the proposed use as a care home would not have a materially different impact on the privacy of neighbouring occupants.

ANALYSIS

Principle of Development

Paragraph 96 of the NPPF seeks to promote healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other.

Paragraph 9.4 of PfE aims to promote greater inclusion, including enabling all residents to lead healthier lives in safer places with good access to facilities that support health and wellbeing. Moreover, Paragraph 9.9 reads that it is vital to design neighbourhoods which enable residents to live healthier, happier and more fulfilling lives, with the barriers to doing so minimised as far as possible.

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.

The application seeks to change the use of 20 Halliwell Street to a children's care home for up to two children. The application site is considered an appropriate location for the proposed use, given its existing residential use, and being in a residential and sustainable location with good access to green space along the River Beal to the north, shops and public amenities in Milnrow village centre, and bus networks along the A640. The setting would ensure that the children are integrated within a safe and stable community which supports the conventional daily routines of childhood, including attending local schools and spending time with friends and neighbours.

As such, the proposal would meet with the objectives of the Core Strategy and Places for Everyone, and would play an important role in facilitating the development of an inclusive community comprising an integrated approach to the location of housing, community facilities and services in accordance with the NPPF.

Impact on Amenity

National Planning Policy Framework (NPPF) advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM1 of the Core Strategy requires all new development to be compatible with the surrounding land uses in terms of its impact upon those uses, with Policy G9 requiring new development to ensure that it does not lead to unacceptable increase in pollution (including noise). Policy DM1 also requires that proposals do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing, loss of privacy, or noise pollution. PfE Policy JP-P1 expects development to provide spaces which are comfortable and inviting, with indoor and outdoor environments offering a high level of amenity which that minimises exposure to pollution.

The site is currently used as a residential dwelling, and is recognised to provide a suitable level of occupier amenity for existing and future residents. No external works are proposed, and therefore it is not considered the change of use would result in any detriment to the visual amenity of the site and surrounding area.

The considerations in respect of amenity therefore relate to the impact of the development through noise and disturbance by virtue of the amounts of comings and goings which would be associated with the proposed use. In assessing this, a judgement is made on whether the proposed use as a care home for 2 children would have a materially greater impact on the living conditions of neighbours than the existing C3 dwelling house.

The application form states that there will be four full time members of staff but provides no information regarding shift patterns or overlapping times. As such, it is not possible to determine the impact that the proposed operational use would have on neighbouring amenity in respect of noise and disturbance through the comings and goings of staff and visitors. A judgement cannot be made on whether the proposed use would be compatible with the surrounding land uses or materially different in terms of its impact on neighbouring amenity from the existing dwellinghouse, as per the requirements of policy DM1.

Furthermore, the application lacks information on the prospective children, including their age, circumstances, and care needs. Whilst it is not the purpose of this report to comment on the nature of the children in care, it is necessary to understand the extent of their needs, including potential visits from professional services and/or family members, to discern whether the application site is suitable. Without such information, a judgement cannot be made on whether the proposed use would be compatible with the surrounding land uses or materially different in terms of its impact on neighbouring amenity from the existing dwellinghouse.

It is also noted that the dwelling shares a party wall with a residential dwelling, no.18 Halliwell Street. Given this, any intensification of use, or change in its characteristics, at the application property would be more readily apparent where noise from comings and goings, use of the internal stairs and noise associated with the operation of the use would inevitably transmit through the party wall and threaten the peace which the occupiers of no.18 would come to expect.

Overall, the application provides insufficient information regarding the operational use of the proposed care home; including staff shift patterns, visits from professionals or family members, and the circumstances of the children in care. It is not possible to discern whether the proposed change of use would be compatible with the surrounding land uses, in terms of a possible adverse impact through noise and disturbance on neighbouring residents. The application therefore fails to demonstrate accordance with the National Planning Policy Framework and Policy DM1 of the Core Strategy.

Crime and anti-social behaviour

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.

In light of the above, the planning application has to be determined on land use planning considerations. The comments of local residents are noted, however the fear of crime in this instance cannot be taken into account as the case officer has not been provided with any evidence that robustly demonstrates that the proposed change of use in this location will lead to an increase in crime and harm to public safety. As per the aforementioned case law (Smith V First Secretary of State [2005]), the fear of crime has not been objectively justified or attributed to the land use in order for it to be deemed a material planning consideration. As such, the proposal is in accordance with the NPPF and Policy DM1 of the Core Strategy.

Highways

Policy T2 of the Core Strategy requires development proposals to protect the safety, accessibility and amenity of those who live or have business in the area, while providing reliable journey times for those travelling through. Policy DM1 states that

all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location. Paragraph 111 of the National Planning Policy Framework states that 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 would be severe.

Neither the existing or proposed site plan include off-street parking. However, given there could be up to four staff members, plus potential visitors, at any one time, it is reasonable to suggest that the proposed use would increase pressure on traffic congestion and on-street parking around the site. However, as per the NPPF, traffic congestion and parking availability are only reasons for refusal if they pose a risk to highways safety or the residual cumulative impacts on the road network would be severe. The site is on a quiet road with slow moving traffic and relatively saturated on-street parking. The introduction of more vehicles, whilst increasing traffic congestion and the demand for parking, would not have a material impact on the existing parking and servicing arrangements, and in turn would not pose a greater risk to highways safety.

The Council's Highways Officer was consulted on the application and similarly raised no objection in term of highways safety. The proposed development therefore accords with Policy T2 of the Core Strategy and the NPPF.

RECOMMENDATION

Refusal for the following reason:

1. In the absence of sufficient information, the application fails to demonstrate that the proposed use as a children's home would not give rise to an adverse impact on the amenity of neighbouring occupants through noise and disturbance, including from comings and goings, use of internal and external spaces and general noise associated with the development. Therefore, it is not possible to discern whether the proposed change of use would be compatible with the surrounding land uses, in terms noise and disturbance and the application therefore fails to demonstrate accordance with Policies G9 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Procedure statement

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

Notes for Applicant:

For the avoidance of doubt, this decision relates to the following plans:

- Location plan: 24026
- Existing and proposed floor plans and location plans: 24026/2

Report Author Hamish Rigg