

APPLICATION NUMBER: 24/00705/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00705/FUL

CASE OFFICER

Rosalind Gralton

DETERMINATION DATE 11.09.2024 EXT OF TIME

Address: 64 Bamford Way Rochdale OL11 5JL

Proposal: Change of use from Class C3 (dwelling house) to Class C2 (residential institutions)

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?	NA
	Neighbour comments received?	Y

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

RECOMMENDATION

APPROVE SUBJECT TO CONDITIONS

CHECKED AND SIGNED OFF BY: LA DATE: 05.09.24

SITE

The site is located within the defined urban area, in the Bamford area of Rochdale, surrounded by residential C3 dwellinghouses along Bamford Way and Greenwich Close. Dwellinghouses are typically two storey and detached, with off street parking and private rear gardens. 64 Bamford Way is a large detached 5 bedroom house, with a large driveway providing space for approximately 5 vehicles in addition to a garage. The dwelling is served by a small garden to the front and private rear garden.

There are no trees subject to a Tree Preservation Order within the site. 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 (Use Class C3) into a home for 3 cared-for children (Use Class C2) aged between 8-17 years who would be cared for by a team of carers on a 24/7 basis.

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 Rochdale Borough from living in privately run care homes at a significant distance away from their communities, and will be more likely to receive good quality care and better quality outcomes.

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

02/D40702 Two Storey Side Extension To Dwelling Grant subject to conditions 2002-10-21

03/D42513 Single Storey Side Extension To Form Garage Grant subject to conditions 2003-12-15

CONSULTATION RESPONSES

Highways And Engineering

No objections

Schools Service

No objections

Childrens Service

No objections

REPRESENTATIONS

The application was publicised by way of neighbour notification.

19 objection letters were received and the concerns are summarised into themes below:

- Fear of noise and disturbance from the young people who will reside there.
- Fear of anti-social behaviour.
- Reduction in property values (not a material planning consideration)
- Harm to the character of the area.
- Traffic and parking concerns.
- Overlooking and loss of privacy.
- Impact on local services (not a material planning consideration).

These concerns are addressed in the analysis section of this report.

ANALYSIS

Principle of Development

Paragraph 97 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. 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 the change of use of the dwellinghouse (C3) to a home for 3 cared-for children (C2). The site is in an established residential area and the current use of the building as a dwelling demonstrates its suitability for use as a home for cared-for children. Therefore, the development is acceptable in principle.

Living Conditions

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 C3 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 the rear sliding door would be replaced with a side hung door. Materially, this would have no change to the building and does not fall within the definition of development. Nonetheless, 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 and harmful impact on the living conditions of neighbours than the existing C3 dwelling house.

The site is located along Bamford Way. This is a large detached house with ample off street parking on the driveway. 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 hand over 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 may 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 similar to 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 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. While sufficient off-parking is available on the site, Bamford Way 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 be to a nominal extent, given the extensive space for parking available on the driveway. Nonetheless, there is capacity on Bamford Way for vehicles to park without causing detriment to the residential amenity of neighbours. As such this is considered acceptable.

The proposed change of use of the existing dwelling will not result in the loss of privacy or cause of overlooking to neighbouring properties.

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.

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.

The representations received note general concerns of vandalism, anti-social behaviour etc resulting from care homes. 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 within this location. No evidence has been presented to the Local Planning Authority to demonstrate that the proposed use of the dwelling at Bamford Way as a home for 3 cared for children will result in an increase in crime. For this reason this matter is afforded limited weight in the planning balance.

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.

The Council's Highways Department was consulted as part of the application process and has not raised any objections as the dwelling will continue to operate in a similar way. At least four car parking spaces are provided in the driveway and this is considered acceptable. On-street parking is also available for the occasion of an overflow for visitors and when there is a changeover of staff, akin to visitors to a Class C3 dwellinghouse.

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

Other matters

Concerns raised which relate to the behaviours of individual children who may live at the property are personal matters and are not relevant to the planning application which assesses the acceptability of the proposed use of the property.

Concerns are raised that the proposed change of use to C2 also allows changes to prisons and young offenders institutions etc, however this is not correct. Such uses are excluded from C2 and fall instead within C2(a). There is no permitted change from C2 to C2(a) and as such, planning permission would be required. Furthermore a condition is imposed to restrict the use to a home for cared for children, for a maximum of 3 children. However, the C2 use class does enable changes to be made (without the need for planning permission) to residential schools, colleges, hospitals and training centres. Alternative permitted uses may give rise to neighbour amenity and highway impacts, and as such it is necessary to restrict the permission to the use proposed by the use of planning condition.

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 05

Front Elevation As Proposed – Drawing no 07 Rev A

Ground Floor Plan As Proposed – Drawing No 06

First Floor Plan As Proposed – Drawing No 07

and the development shall be carried out in accordance with these hereby approved unless otherwise required by the conditions below.

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. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order with or without modification), the premises shall be used for a home for up to 3no. cared-for children only, and for no other purpose including any other purpose in the same use class (C2) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: Alternative uses within C2 use class could be harmful to neighbour amenity and highway safety, 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.

Report Author Rosalind Gralton