

APPLICATION NUMBER: 24/01010/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/01010/FUL

CASE OFFICER

Bob Melling

DETERMINATION DATE 23.12.2024 EXT OF TIME N/A

Address: 105 Clay Lane, Rochdale, OL11 5QW

Proposal: Change of use of dwellinghouse (Use Class C3a) to family assessment centre (Use Class C2 - Residential Institution) and ancillary bin store and cycle store

PUBLICIT Y	Weekly list expired?	Y	Site notice expired?	Y
	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?	N

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

RECOMMENDATION	APPROVE
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CHECKED AND SIGNED OFF BY: RC

DATE: 18.12.24

SITE

This application relates to no. 105 Clay Lane, a two-storey, detached dwellinghouse located in a residential area of Rochdale. The dwelling faces the highway to the north and is adjacent to no. 103 Clay Lane to the east and no. 107 Clay Lane to the west. The rear boundary of the curtilage borders the rear gardens of nos. 17, 19 and 24 Linnell Drive. The application site benefits from a large front forecourt/garden and driveway with two vehicle access points from Clay Lane.

PROPOSAL

Permission is sought for the change of use of the building to a family assessment centre (Use Class C2). Use of the building would be to support vulnerable parents with babies where there are child protection concerns and/or risks to safety and the wellbeing of a child, to develop their parenting skills on a short term residency. The service would house up to four placements at any one time and would be supported by a 24/7 staff team comprising two social workers, two care workers and a registered manager (8am – 8pm). At night, there would be two care workers (8pm – 8am). There would be no work or activities undertaken at night. There would be a maximum of 8 parents and 6 children residing at the site (Table 1). No child would be above the age of eight and most would be babies.

Table 1 - Bedroom Compositions

Bedroom	Use
Bedroom 1 (Ground Floor)	1x Parent, 1-2 Children or 2x Parents, 1-2 Children
Bedroom 2 (Ground Floor)	1x Parent, 1-2 Children or 2x Parents, 1-2 Children
Bedroom 3 (First Floor)	1x Parent, 1x Child or 2x Parents, 1x Child
Bedroom 4 (First Floor)	1x Parent, 1x Child or 2x Parents, 1x Child

No external alterations or additions are proposed to the building, where only changes to the internal layout are necessary. The proposals include the erection of a bin store within the rear garden and a cycle store within the garage.

The submitted site plan indicates the provision of 7 off-street parking spaces, two of which are within the integral garage. An electric charging point will be fitted within the garage.

RELEVANT PLANNING POLICY

National Guidance:

National Planning Policy Framework (NPPF) December 2024
National Planning Practice Guidance (NPPG)

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):

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

96/D33136 Formation Of Hipped Roof Over Existing Side Extension To Dwelling
Granted STC (June 1996)

94/D30773 Rebuilding Two Storey Side Extension To Dwelling
Granted STC (August 1994)

93/D29889 Formation Of Pitched Roof To Existing Side Extension To Dwelling
Granted STC (October 1993)

90/D25148 Two Storey Side Extension To Dwellinghouse And Alterations Thereto
Granted STC (September 1990)

CONSULTATION RESPONSES

Highways

No objections.

Environment Health – Noise

No objections.

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and a site notice was posted in the vicinity. 88 public representation have been received, including 81 objections and 4 letters of support.

Objections noted concerns relating to the following themes, which are addressed in the relevant sections of the assessment.

Principle of development / use of site / location of proposal

- Inappropriate location.
- Loss of residential unit.
- Additional strain on public services.
- Precedent for further overdevelopment.

Neighbour impacts

- Noise disturbance.
- Comings and goings of staff during unsociable hours.
- Loss of privacy.

Traffic and highways safety

- Increase in traffic.
- Highway safety concerns.
- Inadequate access to public transport.

Crime and safety

- Increased likelihood of crime and anti-social behaviour.

Character and design

- Cycle store would not be in-keeping with character of the area.
- Impact on waste management.

Officer's response: Amended plans have been submitted to re-locate the bin and cycle stores from the front garden. The applicant has submitted a management plan which includes a strategy for waste management.

Other matters

- Concerns regarding experience and expertise of Flourish Fostering.
- Impact on property values.
- Lack of public consultation.

Officer's response: The application was publicised in accordance with the Council's policy on neighbour notification. All surrounding properties were consulted and a site notice was posted in the vicinity of the site. The applicant, 'Flourish Fostering', has submitted details regarding their expertise, including details of their OFSTED report. Concerns regarding property values are not a material planning consideration.

ANALYSIS

Principle of Development

The application seeks to change the use of the building to a family assessment centre. This use would provide accommodation for up to four sets of parents and up to six children over a short-term residency up to 12 weeks. Over the duration of the stay, parents will be supported by staff members to develop parenting skills.

CS 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 sets out that planning decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

While the development would not comprise an ordinary residential use under Class C3 of the Use Classes Order 1987 (as amended), the proposals would provide a residential use with clear social benefits. In respect of the provision of supported living accommodation which would assist in the provision of an essential residential use at a relatively sustainable location within walking distance of amenities and regular bus services along Edenfield Road and Norden Road. While CS Policy C3 also promotes the delivery of larger family housing, it is noted that the immediate locality comprises a number of larger single family properties. Therefore, it is not considered that the loss of a single family dwelling would materially alter the housing mix within the area, nor undermine the aims of CS Policy C3.

Accordingly, it is considered that the proposal would meet with the objectives of the Core Strategy 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 provisions of the NPPF.

Impact on Surrounding Land Users

CS Policy DM1 requires all development proposals to demonstrate that they will not have a negative impact upon the amenity of future residents and occupiers. CS Policy G9 requires that sensitive new developments such as housing are not adversely affected by existing sources of pollution, including noise, from certain types of industry. Paragraph 135(f) of the NPPF advises that planning decisions should result in places with a high standard of amenity for existing and future users. The Council's adopted Supplementary Planning Document 'Guidelines and Standards for Residential Development' (2016) contains a number of guidelines and requirements for the design and layout of new housing in order to preserve the amenity standards for surrounding residents.

Given the proposals relate to a change of use of the building only, the considerations in respect of amenity relate to the impact of the development on privacy, where rooms would become 'habitable' and through noise and disturbance by virtue of the number of comings and goings associated with the proposed use.

In assessing this application, while the proposed use does not comprise an ordinary C3 residential use, the proposed use does present similar characteristics in that each room would be permanently occupied as the sole residence of an individual or couple, albeit on a short term basis. Accordingly, it is considered that the minimum separation distances provided within section 4.1 of the SPD are appropriate in considering the impact of the proposed development. Section 4.1 requires 21m between directly facing principal windows of habitable rooms at an upper floor level and 10.5m between a principal window at an upper floor level and a directly facing boundary of the curtilage. While the upper floor windows to the rear would not meet the 21m standard, it is important to note that this is an existing relationship and that no additional habitable room windows would be introduced. In light of this, no concerns are held in respect of a loss of privacy.

In respect of the noise and disturbance generated, the existing use of the building means it could be occupied by a family or by groups of up to six people living as a single household (receiving or not receiving care). The proposed use would markedly increase the number of occupants likely to be residing at the property at any one time. The maximum capacity would be eight parents with one child each, although

bedrooms one and two are large enough to accommodate an additional child if necessary. Most of the referrals would be for babies, although the maximum age for a child would be eight.

While the proposed use would be an intensification of the existing use, the submitted management plan indicates that there would be a high degree of structure to daily activities. The applicant is rated 'Outstanding' by OFSTED and it is considered that noise and disturbance generated by future occupants both internally and externally would be managed. While it is acknowledged that the proposed use would operate over 24 hours, there would be significantly less activity both within and outside the building during the evening and night time, as during this time the focus would be on ensuring children could rest peacefully.

At full capacity there would be up to five staff members during the day. Visitors would be restricted to one additional staff member and visits from family members and the general public would be restricted. The residents will not have their own transport, meaning that comings and goings via motor vehicle would be limited to staff and visitors. There is ample off-street parking space for staff and the layout of the driveway means that cars can enter and leave the property without complex manoeuvring. The busiest point would be during the shift changes at 0800 and 2000, however it is considered that this arrangement would be similar to that of members of a single family dwelling leaving and arriving for work.

It is important to note that the occupants will be on assessment, meaning there is a strong incentive for residents to behave appropriately. Alcohol or non-prescription drugs will not be allowed on the premises and anybody using them will immediately be excluded. Moreover, external and internal CCTV will be installed.

Furthermore, the proposed use would be predominantly residential, and within this residential context at an edge of town centre location, 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 Council's Environmental Health Officer was consulted on the proposals and raised no objections.

While the proposals do not comprise an ordinary use, and therefore are not considered against the requirements of the Nationally Described Space Standards, given the previous internal layout has been the permanent residence of up to 6 occupants, the internal layout can be considered acceptable for the purposes of short-term accommodation.

In light of the above, it is considered that the proposals would not unduly impact the amenity of surrounding occupiers and the proposals would accord with the requirements of CS Policies DM1 and G9, the SPD and the NPPF.

Crime and Fear of Crime

Paragraphs 96(b) and 135(f) 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. CS Policy DM1 seeks to minimise opportunities 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.

There is a perception expressed by residents that the proposal would result in an increase in crime, particularly anti-social behaviour, as a result of the backgrounds of those likely to be residing in the property. However, there is no evidence to suggest that problems experienced at other residential institutions elsewhere in the borough would necessarily be replicated or exacerbated by the operationally distinct unit proposed at the application site. The proposed unit would be supported by a clear management plan and there is an incentive for residents to behave appropriately. It is considered that the unit proposed would be a low secure unit into which parents who pose little or no increased risk to the public would be admitted and a level of security appropriate to their needs would be provided, through both physical means and the regime of professional treatment and management.

In this instance, the fear of crime cannot be objectively justified and while the concerns of local residents are genuinely felt, the available evidence concerning the measures that can reasonably be expected to address the conditions of parents placed in the unit in a managed and professional way ensures that the actual risk to the local population from parents at the facility would not be significantly greater, if at all, than the risk from individuals at large in the area generally.

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

Highways

CS Policy T2 relates to accessibility and CS Policy DM1 requires all development to provide satisfactory vehicular access with adequate parking and manoeuvring arrangements provided.

In assessing this application, it is acknowledged that car ownership amongst the scheme is likely to be negligible, and the proposal would be situated in a relatively sustainable location - approximately 0.5 miles (9 minutes on foot) to Norden Road/Springbank Lane bus stop which provides regular services into Rochdale town centre. It is acknowledged that the site would receive visits from support workers, however these are likely to be sporadic events that would have an unnoticeable effect on the surrounding highway network. The site would provide seven off-street parking spaces and it is considered that this is sufficient for the proposed use. Furthermore, the separate ingress and egress points would enable cars to enter and leave the site in a forward gear. Lastly, the Council's Highways Department was consulted as part of the application process and has not raised any objections.

As such, it is considered the proposals would not have an unacceptable impact on highway or public safety and the proposals would accord with the requirements of CS Policies DM1 and T2.

RECOMMENDATION

GRANT subject to the following 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:-

- Location Plan
- Existing Ground Floor. Dwg no. A-102. Rev P01
- Existing First Floor. Dwg no. A-102. Rev P01
- Proposed Ground Floor Plan. Dwg no. A-102. Rev P01
- Proposed First Floor Plan. Dwg no. A-102. Rev P01
- Existing Site Plan. Dwg no. A-103. Rev P01
- Proposed Site Plan. Dwg no. A-104. Rev P04
- Proposed Bin / Bike Store. Dwg no. A-107. Rev P01

and the development shall be carried out in accordance with these drawings 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 Places for Everyone Joint Development Plan, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

3. The use hereby approved shall be carried out not otherwise than in accordance with the document "Management Plan" submitted on 10.12.2024.

Reason: In the interest of residential amenity and to reduce the risk and fear of crime, and in accordance with Policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Report Author Bob Melling