

APPLICATION NUMBER: 23/00061/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00061/FUL	Aimee Bovaird	4 July 2023

Address: 56 Royal Avenue Heywood OL10 2DG

Proposal: Change of use from residential dwelling (Class C3) to residential care home for up to 3 no. children (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
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	GRANT subject to conditions
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CHECKED AND SIGNED OFF BY: LA

DATE: 28.02.24

SITE

This application relates to 56 Royal Avenue Heywood which is a two storey detached house at the end of Royal Avenue. The house has four bedrooms, a bathroom, kitchen/ dining room, and living room. There is an existing driveway for approximately 2 vehicles.

This site is in a predominately residential area and South West of the house are playing fields and directly behind the site is railway tracks, the closest station is East Lancashire Railway Station (Heywood Station).

The site is within the Defined Urban Area.

Planning permission was granted in 2022 for the erection of a two storey side extension. This has been constructed.

PROPOSAL

Planning permission is sought for the change of use from residential dwelling (Class C3) to residential care home for up to 3 no. children (Class C2). There are no external alterations proposed.

There would be two members of staff at any time on site. One bedroom will be a staff room.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

22/01058/HOUS - Two storey side extension following demolition of attached garage and rear conservatory - Approved

CONSULTATION RESPONSES

Highways And Engineering

The following comments were received:

'With two members of staff in attendance and three children being accommodated we would expect the traffic impact would be very similar to a standard residential property in terms of traffic generation, parking demand and servicing requirements.

The application appears to include two off street parking spaces which we would say is adequate for the proposed use.

The servicing of the existing and proposed properties would remain unchanged.

We would not expect any detrimental impact on road safety or highway capacity as a result of the development

Highways raise no objection to this application and request no specific planning conditions.'

Env Health - Noise/Odours

No comments received to date

GMP

The following comments were received, (Summary)

'Professional and service demand in respect of care homes reporting incidents, including missing from homes in Rochdale appears to be in crisis, with limited workers available to deal with the high demand.

A high proportion of care homes in the borough are not accommodating Rochdale children and therefore demand is caused cross borders, as far as, children moving here from London.

We believe that care homes are opening in the Rochdale due to the house prices being cheaper than anywhere else across Greater Manchester.

It is felt that there is a requirement for a cap to be implemented when it comes to care homes opening in the borough.

Our problem lies with the amount of care homes in the area, those of which the majority are accommodating out of area children, who are cared for by other local authorities.

We have found that young people who have moved from out of area tend to go missing for longer periods and abscond further afield to see family and friends in their hometowns. Again, increasing the risk to these young people and increasing demand services.'

REPRESENTATIONS

Letters of notification were sent to all surrounding properties. Thirty-six letters of objection have been received and a petition. Below are points of concern.

- Parking
- Crime rates increasing
- Public safety
- Decrease value of houses in the area
- Increase in noise and disturbance

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Twelve letters of support have been received, they raise the following points.

- Provide homes for young people in need
- Opportunities for young people

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.

This application seeks the change of use of a detached dwelling to a residential care home for up to three children. There will be two staff members present at any time.

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

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. 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 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 care home for 3 children would have a materially greater impact on the living conditions of neighbours than the existing C3 dwelling house.

The site is at the end of Royal Avenue and the users of this road will be residents and visitors. Two members of staff will be present and it can also reasonably be expected that visits from professionals would occur. It can also be assumed the children will attend school. The "comings and goings" of 3 children and 2 members of staff with any additional visitors as may be required is considered to be akin to the existing C3 dwelling house which could be occupied by 2 adults and 3 children. The dwelling is detached and this will mitigate the impact of noise for no. 54 Royal Avenue. In respect of the noise and disturbance generated, whilst the proposals would likely result in a similar 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, with movements of workers to and from the site not being out of keeping of movements of workers 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 driveway to accommodate staff cars and visitors. Any that cannot be accommodated on the driveway would be accommodated on the estate road as is the case with the existing dwelling and any other dwelling on Royal Avenue.

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. 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.

Greater Manchester Police have been consulted and object to the application. The grounds for the objection centre around the volume of care homes in the Borough, citing that Rochdale accounts for 31% of all care homes in Greater Manchester and this increases demand on policing. Also only 20% of the beds occupied in Rochdale are occupied by Rochdale children, the rest are from outside the borough.

The Council has taken this objection into consideration, however cannot give significant weight to it in the determination of the planning application, as the report is not site specific. It is noted there is a significantly high volume of care homes in Rochdale and this increases pressure on local services however this is beyond the scope of planning. The planning application has to be determined on land use planning considerations. The comments of 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 on Royal Avenue will lead to an increase in crime and harm to public safety.

On balance the proposed development complies with relevant policies of the NPPF and is not considered acceptable.

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 C

The Council's Highways Department was consulted as part of the application process and has not raised any objections. This is because there is two off street parking spaces – compliant with parking standards. Highways note that with 2 staff members and 3 children, the traffic impact would be very similar to the existing property and as such, *would not expect any detrimental impact on road safety or highway capacity as a result of the development*. The proposals therefore accord with the requirements of Policies T2 and DM1 and the NPPF.

Other matters

A large number of letter of objection have been received which have been considered by the planning officer. These are:

- Parking – this is addressed in the Analysis section
- Crime rates increasing – this is addressed in the Analysis section.
- Public safety – as above
- Decrease value of houses in the area – this is not a material planning consideration and is not afforded weight in the planning balance.
- Increase in noise and disturbance – this is addressed in the Analysis section.

In addition, twelve letters of support have been received, they raise the following points.

- Provide homes for young people in need
- Opportunities for young people

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
Proposed Floor Plan Job no. 3154-02

and the development shall be carried out in accordance with these drawings 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 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.

Report Author Aimee Bovaird