

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/00681/FUL	Claire Ringwood	11 th December 2024

Address: 11 Lodge Bank Road, Littleborough, Rochdale, OL15 8QS

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
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

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

DATE: 20 December 2024

SITE

The application property is a semi-detached chalet style bungalow located in a cul-de-sac position. The property has large front and rear flat roof dormer windows. The surrounding area is predominately residential with the majority of neighbouring properties on the road of similar design. Due to its cul-de-sac position the front garden is splayed to allow access to the attached property at 9 Lodge Bank Road. There is a driveway to the side and a rear garden.

The site is within the Defined Urban Area (Policy G/D/1) and an SSSI Impact Risk Zone as identified in the Proposals Map of the saved UDP.

PROPOSAL

Planning permission is sought for the change of use of the dwelling (Use Class C3) to a residential children's home (Use Class C2) for a maximum of two children aged between 5 and 16 years.

The property comprises a lounge/dining room, kitchen and hall on the ground floor and 3 bedrooms and a bathroom on the first floor. No internal or external changes are proposed.

A staff bedroom is also proposed on the first floor with 2 carers allocated to the property. Shift patterns will be from 08:00-22:00 and 22:00-08:00. Parking is available for up to 3 cars.

The applicant has advised that family and friends would not generally visit the property as there are often legal stipulations in place to protect the child. Regular visitors are not encouraged and generally visits take place at clubs, school and contact centres.

PLANS AND DOCUMENTS SUBMITTED

Location Plan
Received 28th October 2024

Drawing No: 24026/01 – Existing Property Floor Plans *[includes proposed]*
Received 30th October 2024

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
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):

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 wellbeing

SO4 Promoting a greener environment

- G9 Reducing the impact of pollution, contamination and land instability

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.

SUMMARY OF CONSULTATION RESPONSESChildren's Services

Summary: Not in agreement with this provision in the borough as there is no guarantee of the places serving local needs.

Environmental Health (Noise)

Summary: No objection.

Highways

Summary: No objections to the proposal.

REPRESENTATIONS

Letters of notification were sent to surrounding properties on 6th November 2024. One letter of support and 25 individual letters of objection were received with some additional repeat objections from individuals. A number of these objections are from the same households. These responses relate to the following:

Support

1. There is a huge shortage of foster families;
2. A facility like this will provide 2 children with a safe and secure base;
3. The property is situated in a quiet cul-de-sac and would be a great location in terms of access to schools, parks and leisure.

Object

1. Increase in traffic and emergency services;
2. Impact on parking;
3. Increase traffic problems on the road;

4. Noise and disturbance will have a negative impact on residents above what would be expected from a normal family home;
5. The change of use into commercial with decrease residents quality of life who work shifts due to increased noise and disturbance following nights shifts;
6. Increase in crime rate in the area;
7. Safeguarding of the current street's residents should be a significant factor;
8. Long term harmful effect on residents mental health, well-being and standard of living;
9. Elderly residents will feel unsafe;
10. Threat to the safety of the local community;
11. Many of these Class C2 uses have reports of violence, criminal damage and of increased noise and unsocial disturbance;
12. What precautions have/are the Council going to put in place to ensure the safety of the residents living in the immediate area, bearing in mind the proposal is to fetch troubled persons with drug, alcohol and mental problems into one concentrated place in the middle of a residential area containing elderly, families and young children;
13. The application is not appropriate for a small overpopulated cul-de-sac;
14. The properties were built for residential use and not intended to operate a business from;
15. It is not fair for our lives to possibly be disrupted because someone wants to run a money making business at our expense. This is a residential estate not a business park;
16. Professional circumstances of a household which could be a safety risk;
17. Personal circumstances of a household;
18. The property is located close to a number of licensed premises, a railway crossing and water courses which are high risk places that vulnerable people should not be situated near. This raises safeguarding issues;
19. The skills and experience of the proposed operators is an issue;
20. The application also raises questions about the safeguarding framework and compliance with key legislation, including the Children Act 1989 and 2004;
21. The rating of the company business should be brought up to standard before creating a new children's home;
22. Class C2 use is only suitable for older teenagers over 16 who do not require the level of care provided in a regulated children's residential care home and that staff must work shift patterns and not be full time residents.
23. Class C2 is also understood as 'personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorders many of which will have emotional, social and behavioural difficulties;
24. Under the Party Wall Act 1996 as an adjoining property interests should be properly protected; *[Officer Note: party wall agreements are different from planning permission and generally relate to building works on or at a boundary, work on an existing party wall or below and near to foundations]*

A number of non-planning matters have been raised as follows:

1. If the development was to go ahead, parents would be inclined to keep their children indoors to avoid possible interactions with the type of person/s that may occupy the property;
2. There is a restrictive covenant on the freehold of the property;
3. Why is the applicant using her previous name and not including her husbands name who owns the property?
4. Devaluation of house prices, insurance cost increases.

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 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.

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 the change of use of 11 Lodge Bank Road 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 amenities, green space and Hollingworth Lake to the east. Officers acknowledge the business use of the children's home however, it will be a home for the children that occupy it first and foremost. 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 PfE 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 and the principle is considered acceptable.

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 including loss of privacy.

The considerations in respect of amenity therefore relate to the impact of the development on noise and disturbance by virtue of comings and goings associated with the proposed use. In assessing this, a judgement has to be made as to 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 dwellinghouse.

The application form states that there will be four full time members of staff and the applicant has advised that there will be two carers at the property at one time. Shift patterns will be 08:00-22:00 and 22:00-08:00. Concerns have been raised in respect of increased noise and disturbance from future residents and associated comings and goings. It is not for officers to comment on the nature of the children in care however, a maximum of two children and two staff is considered compatible with the surrounding land uses. The applicant has also advised that visitors are not encouraged and family and friends would not generally visit as there are often other legal stipulations in place to protect the children.

Taking the above into consideration the proposed use is considered to be akin to the existing C3 dwellinghouse which could, at any time, be occupied by more than 4 people. In respect of the noise and disturbance generated from the proposed use, it is considered that this would not be notably more intensive than an existing residential use 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 Council's Environmental Health (Noise) officer has reviewed the application and raised no objection.

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 and no changes are proposed that would impact this.

In light of the above, it is considered that the proposal 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 proposal is therefore in accordance 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. 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 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. The location of the proposal, and as stated by a number of objectors, is that of a relatively peaceful residential area which would provide a positive base for children in care. 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.

The application site has a driveway to the side of the property and a small area of hardstanding to the front (due to the splayed nature of the access to 9 and 11 Lodge Bank Road). The provision of at least two car parking spaces is consistent with neighbouring properties and although there is a tighter relationship with the access at 9 and 11 Lodge Bank Road, this is an existing arrangement and the scale of the proposals are unlikely to generate notable additional parking requirements compared with a residential family home.

The Council's Highways Officer has reviewed the application and advised that the proposal will not generate any significant volumes of traffic. The parking requirement for a development of this nature is 1 parking bay and therefore the provision of 2/3 vehicle parking spaces is satisfactory. There are no changes proposed to the access or the highway and no concerns have been raised in regards the servicing of this property for refuse collection or access for emergency service vehicles.

As such, it is considered that the proposal would not adversely impact on public and highway safety and the application would accord with the requirements of Policy DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.

Other matters

A concern has been raised as to whether the proposed use falls under Class C2. Class C2 is described as 'residential institutions' which is for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwellinghouses)). A Class C2 use can also include a hospital or nursing home or a residential school, college or training centre. This use class therefore covers all the above uses, including a children's care home.

A concern has been raised over the skills and experience of the proposed operator BevanCare. As discussed above, there is a separate regulatory framework and legal status for residential child care. The Department of Education produced a 'Guide to the Children's Homes Regulations including the quality standards' (April 2025) which

accompanies the Children's Homes (England) Regulations 2015 which sets out the underpinning requirements that homes must meet in order to achieve outcomes. Any child care provider would need to comply with the relevant regulations.

Another concern has been raised stating that the property is located close to a number of licensed premises, a railway crossing and water courses which are high risk places that vulnerable people should not be situated near which raises safeguarding issues. The dwelling is in a predominantly residential area where other children reside, the application site is not therefore considered unsuitable for the proposed use.

Further concerns have been raised from a number of objectors in respect of professional and personal circumstances of households which could pose a safety risk to them. These concerns are acknowledged but these are not material considerations.

Other concerns have stated that a children's home may require more maintenance than a standard family home. There is no evidence to suggest that a children's home for 2 children would require significantly more maintenance than a standard family home or why there would be any additional vehicle movements above and beyond that of a family home where there can be numerous cars, delivery vehicles and visitors etc.

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:-

Location Plan
Received 28th October 2024

Drawing No: 24026/01 – Existing Property Floor Plans *[includes proposed]*
Received 30th October 2024

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 application property, 11 Lodge Bank Road, shall not accommodate more than two children in C2 care use at any time (aged between 5 and 16 years).

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.