

APPLICATION NUMBER: 23/01193/VRCON

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01193/VRCON

CASE OFFICER

Rachel Carney

DETERMINATION DATE 30.01.2024 EXT OF TIME

Address: Black Dad Farm Ashworth Road Heywood Rochdale OL11 5UW

Proposal: Application to vary condition 4 of planning permission 22/00795/FUL (Change of use from dwelling (Use Class C3a) to Residential Care (Use Class C2) for up to two children) to increase the number of children being cared for from 2 to 4 at any one time

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

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	Y
	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
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CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

CHECKED AND SIGNED OFF BY: LA

DATE: 16.05.24

SITE

The application relates to an existing children's residential care home at Black Dad Farm, a two-storey detached dwelling which sits towards the end of a 500m access track extending west from Ashworth Road, in the Ashworth area of Rochdale, circa 3km north of Heywood town centre. Black Dad Farm sits in a rural location within the Green Belt and features a single detached two-storey, seven-bedroom traditional farmhouse of agricultural vernacular set within grounds measuring 10 acres. The nearest building to the application property is Dairy House Farm which sits 220m east of Black Dad Farm and shares the same access track from Ashworth Road.

PROPOSAL

The application seeks to vary condition 4 of planning permission 22/00795/FUL. Condition 4 currently reads:

The care home hereby approved shall not accommodate more than two children at any time.

Reason: In the interests 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.

The application seeks to increase the number of children permitted at the home from two to four.

RELEVANT PLANNING POLICY**National Guidance**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

JP-P5 Education, skills and knowledge

JP-D1 Infrastructure Implementation

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

SO4 Promoting a greener environment

- G6 Enhancing green infrastructure
- G7 Increasing the value of biodiversity and geodiversity
- G8 Managing water resources and flood risk
- G9 Reducing the impact of pollution

SO5 Improving accessibility and delivering sustainable transport

- T2 Improving accessibility

Unitary Development Plan (UDP):

G/D/2 Green Belt

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

22/00795/FUL - Change of use from Dwelling (Use Class C3a) to Residential Care (Use Class C2) for up to two children - Approved

CONSULTATION RESPONSES

Highways And Engineering

The proposed changes as submitted would have little highway impact therefore we raise no objection to this application.

Env Health - Noise/Odours

This section has no objections to the proposals

Childrens Services

From a Children's perspective we are not in agreement with the extension of these properties. The reasons are as follows:

- This provider has not worked with Rochdale BC and children placed are at a significant distance which has an impact.

- More children from out of areas has an impact on education and health sufficiency within the borough – we have a shortage of school placements and also a waiting list for health services.

GMP-Heywood And Middleton

Object to the application.

Provided crime figures relating to the application site and to the surrounding area.

Concerns also raised about the number of children's care homes in Rochdale. Rochdale accounts for 31% of all care homes in GM and this is of particular concern given the demand that they generate in Policing. A high proportion of care homes in the borough are also not accommodating Rochdale children. Of the Rochdale care homes only 20% of the beds are occupied by Rochdale children.

REPRESENTATIONS

The application has been publicised with a site notice, press notice and neighbour notification letters. One objections has been received and this is summarised below:

- When Planning Permission was granted officers noted that the property had been operating unlawfully.
- In recent weeks between 6 to 8 cars have been in attendance at the property throughout the day, leading to the suspicion that the site may again be operating unlawfully.
- If this planning permission is successfully how long will it be until more cars are at the site and an application for 6 children is submitted?
- This application represents a doubling of the impacts on highways.
- The application represents a doubling in the risk of crime and the fear of crime. How much is too much?
- The application is based on the fact that there hasn't been a recurrence of the previous violent incidents which terrified neighbours and required Police presence. The applicant cannot guarantee the future behaviour of residents who pose a risk to themselves and others.
- What is the basis of the application other than commercial opportunism?

ANALYSIS

Principle of development and background

Planning permission for use of the property as a children's care home has been approved under application 22/00795/FUL. Under that application, it was accepted that although the proposal would result in a use discernibly different that the former use as a single residential property, on a whole the development would not result in levels of traffic disturbance that would unduly affect the quality of life for the occupants of the neighbouring property, Dairy House Farm. Similarly, the impact of the development on crime and the fear of crime was acknowledged and as a result, a restriction on the age of the children was put in place via a conditioned management plan (condition 3). This restricts the age of children at the home to between 5-12 years of age. Condition 4, also requires that the home shall not accommodate more than two children at any one time. The application seeks to vary this condition and increase the number of children to four.

The current application relates solely to the acceptability of an increase in the number of children at the home. The use a care home is already established under application 22/00795/FUL and cannot be reconsidered.

Crime and Fear of Crime and amenity

Paragraph 96 of the NPPF required that development is safety and accessible, so that crime and disorder and the fear of crime do not undermine the quality of life or community cohesion. Paragraph 135 also requires that development provides a high standard of amenity for existing and future users and where crime and disorder, and the fear do not undermine the quality of life or community cohesion and resilience. Policy DM1 of the Core Strategy 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 account.

In the last application it was set out that the property had been used unlawfully as a residential care home over the duration of circa 6 months between January and July 2022, housing up to three children at a time. Over this duration, Greater Manchester (GM) Police recorded seven incidents at the site (including four of violence). It was accepted by the LPA that such a sustained number of serious incidents would instil a fear of crime due to the visibility of visiting police officers attending those incidents. It was also noted that Dairy House Farm has views from the upper floor windows towards Black Dad Farm's curtilage, where it would be possible to witness incidents taking place.

To mitigate against the impact of crime and the fear of crime the age of children at the home was controlled via a management plan to between 5-12 years of age. The number of children was also controlled to a maximum of two.

For the current application GM Police have provided recent data relating specifically to the use of the application site over a 12 month period (December 2022 – December 2023) and as reported by staff at Black Dad Farm. This data provided below:

Crime types specific to Black Dad Farm

Residential Burglary – one
Violence without injury - two

Incident types specific to Black Dad Farm

Burglary – one
Missing person – two

It has also been reported by GM Police that one of the children currently being cared for at the home is a fifteen year old girl. This is in breach of the management plan controlled under condition 3 of planning permission 22/00795/FUL and which allows a maximum age of twelve years. This alleged breach will be reported to the LPA's Planning Enforcement Team for investigation.

GM Police have also provide crime and incident figures for the beat area that Black Dad Farm is located in and raised about the general number of care homes within the borough, with Rochdale accounting for 31% of all care homes in Greater

Manchester, with only 20% of the beds provided (in Rochdale) being occupied by children from Rochdale. Linked to this GM Police have advised that young people that 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. It is advised that this increased the risk to these young people and increases service demand. Missing children within Rochdale in a 12 month period (December 2022 – December 2023) totalled 1206 and the cost of this to GM Police was £3,587,850.

As a result of their concerns, GM Police have advised that would like to see a cap for the number of children's care homes within the borough.

Examining the information provided it is noted that a significant proportion of GM Police's concerns arise from the general provision of children's homes within Rochdale and more specifically, the number of care homes within the borough as well the number of children accommodated from outside of the borough. While these concerns are recognised it is considered that the planning decision process cannot be used to strategically limit the number of care homes within the borough and it cannot be assumed, by Planning Development Management, that all care homes will result in the issues outlined by the Police.

Nonetheless, in respect of the application site, figures have been provided to demonstrate that the existing use, which is currently limited to two children between the ages of 5-12, has resulted in crimes and incidents that have required police involvement. There have been three crimes in a 12 month period, including two crimes of violence and one of burglary. In the same 12 month period there were also three Police incidents generated by the site, including one incident of burglary and one of missing person.

The public objections have also referred to the previous Police involvement at the site, and concerns that these incidents may happened again as the operator cannot guarantee the occupants behaviour.

Given the specific data relating to use of the application site as a care home for two children, it is considered that the concerns relating to crime are justified. When the property was unlawfully used for the care of three children there was a substantial number of incidents (including violence) directly associated with use of the site. Through application 22/00795/FUL the impact from crime and fear of crime was sought to be controlled through a limit on the number of children and their age. However, GM Police figures clearly demonstrate that crimes and police incidents are still being generated by the use of the site as a care home and it is a reasonable assumption that doubling the number of children cared for would increase the number of crimes and Police incidents directly associated with the property and its use. The objector has outlined the impact police incidents has on their quality of life and how they have reduced the amenity of the area, and it is considered that this reduction in amenity would likely increase as a result of additional children at the site.

Further to the above, it is considered that an increase in children would result in an unacceptable increase in crime and a fear of crime that would be directly associated with the proposed increased use. This would unacceptably impact the standard of amenity for surrounding residents and undermine their quality of life and community cohesion in the area. The application is therefore contrary, in this regard to policy DM1 of the Core Strategy and the NPPF.

Other amenity considerations

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 previous application assess that the property would provide a suitable level of occupier amenity for future residents and given the scale of the property. The submitted plans identify that the six bedroom accommodation can adequately accommodate an additional two residents whilst still providing a suitable living environment for residents. Bedroom accommodation would also be made available for carers.

The previous application also identified that as a former residential dwelling, with adequate distance to neighbours, the assessment of additional impact (on amenity) was limited to noise and disturbance. As the current application includes no physical alterations to the building this assessment is still considered to be correct.

It is noted that the objector has raised concerns over the number of cars at the site, particularly in recent months. In this regard, the supporting statement advises that the proposed increase to four children would not require any increase in the number of staff required and as such it is stated that there would be no greater level of disturbance or amenity impact generated by this increase.

The LPA accept that the site may already operate with sufficient staff for the proposed number of children. It is however also recognised that there may be some additional visitors associated with the proposed increase, such as extra medical and or social care appointments. Nonetheless, notwithstanding the concerns regarding crime, it is considered that the LPA could not reasonably attribute excessive disturbance associated with additional movements arising from two extra children at the site. Any impacts on highway safety are separately assessed below.

Further to the above, whilst the objectors concerns are recognised, it is considered that, notwithstanding the crime concerns, the increase in children numbers would not adversely impact on residential amenity and in this regard, the application would accord with policy DM1 of the Core Strategy.

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.

Highway Services have been consulted on the application and advised that the proposed changes would have little highway impact and as such they raise no objection. In this regard it is noted that Highway Services will have given regard to the maximum parking standards set out in appendix 5 of the Core Strategy, which require one car parking space per four beds. The property includes a substantial sized area off street parking to the south of the site and this provision that far exceeds that set out under the Core Strategy.

The previous application accepted that given the location of the site, the intensity of the proposed use and the well established servicing requirements of the property as a dwelling, the development would not result in any unacceptable impacts to highways or pedestrian safety. While the general comings and goings to the site

would likely increase to some extent through the addition of two more children at the site, in accordance with the NPPF paragraph 115, development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Based on the advice received from Highway Services alongside the proposed increase in use, it is not considered that the LPA would be reasonable in refusing the application based on highway safety. Furthermore, whilst the LPA appreciate that parking may exceed that expected with the care of two children, the property has a large area/driveway to accommodate parked cars and the LPA could not reasonably restrict/limit parking at the site or require the applicant to provide additional parking requirements which go beyond those set out in the Core Strategy.

Further to the above it is considered that the application is acceptable in respect of highway safety and in accordance with the requirements of policies T2 and DM1 of the Core Strategy and the NPPF.

Other considerations and summary

Children's Services have advised that they are not supportive of the proposal to increase the number of children cared for at the home. Their objections to the proposal are two fold:

- The provider has not worked with Rochdale BC and children placed are at a significant distance which has an impact
- More children from out of areas has an impact on education and health sufficiency within the borough – we have a shortage of school placements and also a waiting list for health services.

The LPA recognise the concerns raised by Children Services and it is acknowledged that an increase of children from outside the borough could impact on local services. However, the LPA could not justifiably refuse an application for an additional two children based on local service provision. Additionally, the credentials of the applicant are not a material planning consideration.

The Local Planning Authority recognise that Children Services and GM Police have concerns over the number of children homes in the borough as well as the number of children cared for outside from outside of Rochdale. However, the planning decision making process cannot be used to control the wholesale provision of children's care within the borough and each application must be addressed on its own merits.

Notwithstanding the above, based on the crime figures provided by GM Police it is considered that an increase in children at the site would have a reasonable likelihood of increasing crime at the application site and as such would increase the fear of crime and detrimentally impact the standard of amenity for surrounding residents and undermine their quality of life and community cohesion in the area. The application is therefore unacceptable for this reason and contrary to policy DM1 of the Core Strategy and the NPPF. The recommendation is for refusal.

RECOMMENDATION

REFUSE

1. An increase in the number of children cared for at the home from two to four would likely result in an increase in crime and antisocial behaviour associated directly with use of the site as a care home. This would in turn increase the fear of crime in the area and detrimentally impact the standard of amenity for surrounding residents and undermine their quality of life and

community cohesion in the area, contrary to the requirements of policy DM1 of the adopted Rochdale Core Strategy 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:

INFORMATIVE:

For the avoidance of doubt, this Decision Notice relates to the following drawings :-

- Location Plan – Drawing no. 22-041-001
- Existing Plans and Elevations – Drawing no. 22-041-101
- Proposed Plans and Elevations – Drawing no. 22-041-301 Revision B

Report Author Rachel Carney