

APPLICATION NUMBER: 23/00353/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00353/FUL	Rosalind Gralton	8 November 2023

Address: 256 Ashfield Road Rochdale OL11 1QW

Proposal: Change of use from Residential (C3) to Teaching Centre (F1) for a maximum of 17 pupils

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

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: LA DATE: 17.11.2023

SITE

The site relates to a two storey end terrace property on the northern side of Ashfield Road, Rochdale. This is a dense residential area where dwellings have no dedicated parking. The application property is not served by off-street parking.

The site is located within the defined urban area and is not located within a conservation area nor is a listed building.

The existing property has a white UPVC glazing in a shopfront design at ground floor with two doors. The property benefits from an existing single storey rear extension with lean to roof.

PROPOSAL

The application seeks planning permission for the change of use of the existing residential dwellinghouse use (Class C3) to a Teaching Centre (Use Class F1) for a maximum of 17 pupils. The submitted planning statement suggests the use is for children.

A planning statement and noise impact assessment has been provided.

The planning statement suggests the sites previous use has been a laundrette and a shop, and states the permission is sought due to a expressed demand within the locality.

No external works are proposed as a result of the development. The internal layout would be reconfigured from a residential property, to show the entire ground floor used as a single classroom, with the upstairs a second classroom with toilet facilities. The converted loft/second floor would be used as a storeroom.

Four jobs would be created as a result of the change of use.

RELEVANT PLANNING POLICY

National Guidance

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

Adopted Rochdale Core Strategy (CS):

SO1 – To deliver a more prosperous economy
E2 – Increasing jobs and prosperity

SO2 – To create successful and healthy communities
C7 – Delivering education facilities
C8 – Improving community, sport, leisure and cultural facilities

SO3 – To improve design, image and quality of place
P1 – Improving image
P3 – Improving design of new development

SO5 – To improve accessibility and deliver sustainable transport
T2 – Improving accessibility

DM1 – General development requirements

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

93/D29327 Change of use from shop to dwelling and alterations to front and side elevations – Granted subject to conditions

07/D50083 Change of use of part of ground floor from dwelling to office – Granted subject to conditions

13/01017/FUL - Change of use from office/house to dwelling house (C3) – Granted subject to conditions

14/01525/FUL - Change of use from C3 residential to D1 teaching centre and place of worship – Refused (02.02.2015) for the following reasons;

1. The proposed use of the property as a teaching centre and place of worship has raised concerns from the Police in respect of the welfare and safeguarding of children. The Local Planning Authority is required to take into account the best interests of children in its decision making. To set aside a clear objection from the Police on these grounds would not be in the best interests of children and would increase the fear of crime in the area, undermining quality of life and community cohesion. The proposal is therefore contrary to Policies CF/2 and BE/2 of the Rochdale Unitary Development Plan, the National Planning Policy Framework and would also in the circumstances be contrary to the Council's duty to safeguard and promote the welfare of children.
2. The use of the property as a teaching centre and place of worship would lead to a significant intensification of activity at and around the site. This would lead to noise and disturbance to residents from activity within the premises and comings and goings to and from the site. This would be detrimental to the amenity of nearby residential properties and contrary to the requirements of Policies CF/2, EM/3 and BE/2 of the adopted Rochdale Unitary Development Plan.
3. The use of the property as a teaching centre and place of worship would lead to a large number of visitors to the property. No dedicated off-street parking is proposed to serve the use and Ashfield Road already suffers from congested on-street parking at all times of the day. A significant increase in the number of cars attempting to park on-street in the vicinity of the site would be detrimental to highway and pedestrian safety and would increase competition for on-street parking to the detriment of residential amenity. This would be contrary to Policies CF/2, BE/2, A/8 and A/10 of the adopted Rochdale Unitary Development Plan.

The subsequent appeal was dismissed, appeal Ref: APP/P4225/W/15/3135715. The decision is referred to in the analysis section of the report below.

15/00513/FUL - Change of use from C3 residential to D1 teaching centre (Resubmission of 14/01525/FUL) – Declined to determine on the grounds that a

similar application had been refused and that at that time the period within which an appeal could be made to the Secretary of State had not expired.

15/00854/FUL - Change of use from (C3) residential to (D1) teaching centre – Application Withdrawn - 01.09.2015.

18/00829/FUL - Change of use from (C3) residential to (D1) teaching centre – Refused 04/10/2018

Reasons for refusal:

- 1 The use of the property as a teaching centre would lead to a significant intensification of activity at and around the site, including comings and goings to and from the property. This would lead to noise and disturbance to the occupants of No.258 Ashfield Road and nearby residents from activity within the premises and comings and goings to and from the site. This would be detrimental to the amenity of the occupiers of No.258 Ashfield Road and the nearby residential properties contrary to the requirements of Policies DM1, G9 and C8 of the adopted Rochdale Core strategy and the National Planning Policy Framework.
- 2 The use of the property as a teaching centre would lead to a large number of visitors to and from the property. No dedicated off-street parking is proposed to serve the use and Ashfield Road already suffers from on-street parking with a history of accidents associated with crossing between parked cars. A significant increase in the number of cars attempting to park on-street in the vicinity of the site or drop off and pick up users of the facility would be detrimental to highway and pedestrian safety and would increase competition for on-street parking to the detriment of residential amenity, contrary to Policies DM1 and T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

CONSULTATION RESPONSES

Environmental Health - Noise/Odours

'I have reviewed the acoustic report and can give the following comment:

This section has no objection in principle to the proposal. The submitted acoustic report has shown that sound transfer to the neighbouring property will be within tolerance (assuming that the criteria set out in the report remains constant) likewise the surrounding properties will not be affected by proposed activity within the building. At this stage the developer does not know what building services systems will serve be in used and as such we would request a condition requiring a further acoustic report to be carried out once the building services systems are identified to identify if further mitigation is required, this should be done prior to occupation.'

Greater Manchester Police - Rochdale North (GMP)

The GMP for Rochdale North was consulted on the application. Their response considered recent crime incidents and ongoing problems associated with parking. The Officer noted existing problems associated with parking and other relates concerns. They raise that as a result of granting the permission, this could exacerbate the existing parking and neighbour disputes, leading to further tension and inconvenience for all residents. The key points from the response are summarised below:

- ☐ Residents in the neighbourhood (and neighbours of) of the application site (256 Ashfield Road) have experienced several issues relating to parking disputes and other matters.
- ☐ The most recent reported crime being 26 July 2023.
- ☐ Considering the history of issues with the application site and surrounding neighbourhood, the consequences of granting such permission could potentially exacerbate the existing parking and neighbourly disputes, leading to further tension and inconvenience for all residents in the area.
- ☐ These matters should be considered in the assessment of the acceptability of the proposed development.

Highways And Engineering

'There have been a number of similar application for the application premises and Highways have been consistent in their advice on this proposed use which has been accepted by a Planning Inspector at a previous public inquiry.

Although we may accept that there may be some trips made to the application site by foot as with the majority of educational establishments the majority of trip will be made by car especially during inclement weather. On-street parking on Ashfield Road is near capacity at most times during the day and as the application does provide any off street parking this will only put pressure on the existing situation.

When vehicles are dropping children they will have to undertake difficult manoeuvres to find parking spaces or alternatively double park within the carriageway which will impact on both road safety and highway capacity. The existing and potential increase on street parking situation means that children will have to cross the road between parked vehicles, both at drop off and pick up periods, and taking into account the added vehicle movements this is bound to increase accident potential in this location.

Existing residents have no off street parking and have to park on Ashfield Road and the increase in competition for spaces will mean that those residents will have to park away from their dwellings which would impact on residential amenity.

This increase in accident potential and the detrimental impact on residential amenity is contrary to Council planning policies and Highways would object to this application on this basis.'

Childrens Services

No comments received to date

Community Safety -Sajjad Miah

No comments received to date

GM Fire Service

No comments received to date

Strategic Planning

No comments received to date

Safeguarding Officer (Childrens Services) Bev Paris

No comments received to date

REPRESENTATIONS

37 letters of representation have been received. 31 letters of support were received, 6 letters of objection were received.

Objections relate to the following concerns:

- Do not need another teaching centre/place of religious learning, including 235 Ashfield Road
- Impact on traffic and parking as existing
- Demand already being met
- A photo of a timetable of existing centres within 1 mile radius submitted
- No changes to the previous refused application
- Even if attendees local, not travelling by foot
- Suggestions more students will be attending than stated within the application
- Same teacher intends to use 256 as existing 264 use
- Crime as a result of parking and congestion
- Concern of speed of car
- Noise at unsociable hours

Supporting letters related to the following aspects:

- The school has a positive mission statement
- Much needed
- The teaching centres instil morals and good manners and behaviour, these centres are needed to provide good upbringing and future.
- Not enough teaching and youth centres have resulted in crime in the area
- The centre will be managed and ran with professionalism
- Great need of these centres
- Needed given large muslim population
- Positive engagement to keep children away from bad things and crime
- Recently two murders in the area – the centre will provide safety and surveillance
- One way street has reduced traffic issues
- Walking distance from users
- Adjacent centres only cater for women and girls not men and boys
- Corner property so no noise issues
- Great community facility
- Teachers are motivated, help community, positive impact

Officer Response

The proposals are for a Teaching Centre (Use Class F1), and therefore is not a community centre. The remainder of the planning matters (noise, traffic, parking, previous refused application etc) above are considered in the analysis section of this report.

ANALYSIS

Principle

Paragraph 130 of the NPPF states *'Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*

Policy C7 of the adopted Core Strategy states that 'improving education and skills is a high priority in order to improve productivity, social and community cohesion and the overall prosperity and quality of life in the borough'.

Policy C8 of the adopted Core Strategy supports and promotes the provision of community and cultural facilities, provided they are of a type and scale appropriate to the size of the settlement, are accessible and support our objectives. It states that the Council will support proposals for facilities outside centres provided they are highly accessible by a choice of transport, particularly sustainable modes of transport, and do not harm the character or amenity of the area.

The application site is located within an area which is primarily residential in nature and is accessible to the community it is intended to serve. The nearest District and Local Centres are some distance away and it is not considered appropriate to insist that these facilities always be located within such centres, as evidenced by the granting of planning permission for the use of the former Weaver's Arms nearby as a teaching centre in 2013.

Nevertheless, and as set out below in more detail, the principle of locating a teaching facility within an end terraced property in a dense residential area with no off-street parking to serve it, is unacceptable in principle and is contrary to policy C8 (e) of the adopted Core Strategy or the NPPF.

Living conditions

Policy DM1 of the adopted Core Strategy states that all development proposals should be compatible with surrounding land uses and should not adversely affect the amenity of residents, in addition to requiring a number of other basic planning considerations. Policy G9 of the Core Strategy requires that final development does not lead to an increase in noise pollution. Policy C8 does not support new education / community facilities which harm the character or amenity of the area within which it is located.

The submitted planning statement suggests that the proposed teaching centre would hold two classes each weekday evening, between 17.00 and 18.30, however the submitted noise impact assessment states this is between 16:00 to 19:00. Up to 17 people would be using the facility, with 10 pupils in the downstairs classroom and 7 in the first floor classroom. Given the floor plans submitted, the areas to be used for teaching would be capable of holding that number.

Within the submitted planning statement it suggests many of those coming to the premises would be expected to walk from their homes in the local area, serving a local demand. While this may be correct, it cannot be discounted, or indeed the LPA cannot control by condition that this would happen, or that it is most likely particularly in poor weather, that visitors will travel by car.

A Noise impact Assessment and a Travel Assessment was submitted with the application. In regards to the direct impact from within the building, the Council's Environmental Health Officer was consulted on the application. While the officer raised no objection, they did note that due to insufficient information, if the application was approved that a pre-occupation condition would be requested requiring a further acoustic report to be carried out once the building services

systems are identified to identify if further mitigation is required. The applicant has provided details of noise insulation measures inside the premises; however this would not provide adequate mitigation when much of the noise and disturbance is likely to arise from the movements of people to and from the premises. It has been considered whether these issues raised can be address through planning conditions, and although the noise within the building could be, it is not possible to control the noise associated with comings and goings, picking up and dropping off, and therefore the proposal cannot be approved subject to conditions.

The movements of people throughout the building would be significantly higher than those of the existing use of the property, and would present a clear contrast to the neighbouring dwelling houses. It is also considered the additional noise that would be generated by the proposal, which isn't taken into account within the noise impact assessment, such as cars waiting to drop off or collect, noise from engines and the opening and closing of car doors. Due to the narrow width of the street and its footways, and the back-of-pavement location of front doors and living room windows, these comings and goings would cause significant noise and disturbance to the residents of other houses on the street. In view of the scale of potential harm in terms of noise and disturbance, it is necessary to have regard to the safeguarding of the living conditions of future occupiers of houses in the street as well as those of existing residents.

It is accepted that the nearby primary school, off licence and the retail park generate activity and the movement of people into and out of those facilities. However, it is not considered that these facilities are comparable to the application proposal in terms of the likely generation of such frequent and concentrated movements of people immediately outside of so many houses.

Overall, the use of the property as a teaching facility for up to 17 people, in a dense residential area with no dedicated area for dropping off and picking up, would lead to an intensification of activity and associated harm to the living conditions of neighbours, particularly due to noise disturbance from people, vehicles and closing of doors. GMP have raised that the site and surrounding neighbourhood has suffered existing issues of parking and neighbourhood disputes and warn that the consequences of granting such permission could potentially exacerbate the existing parking and neighbourly disputes, leading to further tension and inconvenience for all residents in the area. Having regard to all of the above, including neighbour objections, the development is contrary to the requirements of Policies DM1, G9 and C8 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Highway and pedestrian safety

Policy T2 of the adopted Core Strategy relates to accessibility and Policy DM1 requires all development to provide satisfactory vehicular access with adequate parking and manoeuvring arrangements provided. Paragraph 111 of the NPPF states that development should be 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.

No parking provision is proposed to support the use. In determining the previous appeal, the Inspector noted that the appellant had suggested the possible use of the parking area to the rear of the appeal site for visitor parking. However, he opined that the uneven and unsurfaced condition of that area, its shared use, and the fact that this also gives access to a number of lock up garages render it unsuitable for such use. In addition, the Inspector highlighted that the appellant has no right to use the land for visitor parking given its shared status and the basis of the agreement under

which the Council installed the security gates to its various entrance points. Hence there would be no off street parking to serve the proposed use.

The applicant has stated within the submitted planning statement that all visitors live in the locality and are within walking distance, travelling by foot. They would consider the use of a travel plan, to be submitted via condition, in order to alleviate any highways concerns.

The Council's Highways officers were consulted on this application and state their views, consistent with previous responses, which are that, while some may travel via foot, this is less likely in inclement weather and in any case it is not possible to guarantee or require visitors to travel by foot. Therefore it must be considered that the majority of trips will be made by car. The application does not provide any off street parking and on-street parking on Ashfield Road is near capacity at most times of the day. The proposal would therefore exacerbate existing parking pressures. Notwithstanding that users of the premises may arrive on foot, those arriving by car would be likely to drive along Ashfield Road and adjoining streets seeking a place to park, thereby adding to congestion in the local area. The harm resulting from this is considered below.

The Council's Highway services department presented evidence for the previous appeal that show drivers dropping off or collecting children from the existing teaching facilities in Ashfield Road frequently stop in the road because there is nowhere to park or to pull in and the proposal would be likely to lead to an increase in such incidents. Any such increase would add to congestion and increase the risk to the safety of children getting out of cars in the highway and passing between parked cars to reach the pavement. As a result the increased vehicle movements would likely result in an increase to accident potential in this location. Existing residents along Ashfield Road have no off-street parking, and therefore increasing competition for spaces would result in the loss of amenity of existing residents of adjacent dwellings.

GMP have raised considerable concerns with the proposed development, highlighting that existing issues (including reports of crime) associated with lack of parking will be exacerbated should permission be granted for this facility with no dedicated parking.

As such, the proposal would cause an increase in accident potential and harm the safety of pedestrians and other road users. It would be in conflict with Policies DM1 and T2 of the adopted Core Strategy where policy T2 states that 'In all circumstances, the safety, accessibility and amenity of those who live or have business in the area will have priority', this is in line with the aims of the NPPF which emphasises creating places that are safe and secure and which minimise the scope for conflicts between pedestrians, cyclists and vehicles. Specifically paragraph 111 of the NPPF requires development to be refused where it would result in an unacceptable impact on highway safety. As such the proposal should be refused on highways grounds as there would be an unacceptable impact on highway safety.

Crime, Fear of Crime and Safeguarding

Policy DM1 of the adopted Core Strategy states that 'all development proposals, including changes of use of land and buildings, extensions and alterations, will be expected to demonstrate that they minimise opportunities for crime against people or property.'

Relevant case law has established that fear of crime is capable of being a material consideration in a planning decision. However, the Court of Appeal in *Smith v First*

Secretary of State clarified that unsubstantiated fear of crime cannot be taken into account. In allowing the appeal, the Court held that fear and concern had to have some reasonable basis and the object of that fear and concern had to be the use, in planning terms, of the land. In order to take criminal incidents into account it was necessary not only to attribute them to the individuals concerned but also to the use of the land. Furthermore, if the concern for the future rested at least partly on assumption not supported by evidence as to the characteristics of the future occupiers it could not be taken into account.

GMP were consulted on this current application, and raised concerns regarding highways and crime associated with disruption to parking.

Other material considerations

Further to the above, attention should also be drawn to the appeal decision in which the Inspector upheld an enforcement notice issued by the Council against the unauthorised use of part of number 266 Ashfield Road for religious instruction (Ref APP/C/93/P4225/627394/P6). The Inspector found that the area is predominantly residential in character and that the activities that were being undertaken must give rise to a considerable amount of disturbance to people living in the immediate vicinity; the inspector also noted that, due to the rather congested living conditions which exist in an area of terraced housing, any exceptional noise or disturbance inevitably affects a large number of people. That decision was issued in 1993 but, apart from a likely increase in the level of car ownership within the local community, the character of the street remains much as described in that decision letter.

For these reasons set out above and considering the previous appeal decision for this property, the proposal would result in noise and disturbance to the occupiers of nearby houses in Ashfield Road and would cause significant harm to the living conditions of these residents. The proposal would therefore be contrary to Policies DM1, G9 and C8 of the adopted Core Strategy.

The applicant has put forward examples of other teaching and worship facilities within the Rochdale area. However, this application must be considered on its merits and in the context of the previous appeal decision, which attracts significant weight.

RECOMMENDATION: REFUSE

1. The use of the property as a teaching centre, within a dense residential area with no off-street parking, would lead to a significant intensification of activity at and around the site, including associated noise and disturbance from comings and goings to and from the property at drop-off and pick-up times. This would have an unacceptable detrimental effect on the living conditions of adjacent and nearby residential dwellings particularly by reason of noise disturbance, and is harmful to the character of this residential area. It is likely to exacerbate existing parking and associated neighbour disputes. The issues cannot be controlled by planning condition and as a consequence, the development is contrary to the requirements of Policies DM1, G9 and C8 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
2. The use of the property as a teaching centre would lead to a large number of visitors to and from the property. No dedicated off-street parking is proposed to serve the use and Ashfield Road already suffers from on-street parking at capacity. A significant increase in the number of cars attempting to park on-street in the vicinity of the site or drop off and pick up users of the facility would be detrimental to highway and pedestrian safety and would increase

accident potential, and would be at the detriment of residential amenity. This development conflicts with Policies DM1 and T2 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:

For the avoidance of doubt, this decision relates to the following plans:

RAD/1798/23/1 – Existing and proposed plans submitted to the Council 06/04/2023
Planning Statement submitted to the Council 06/04/2023
Acoustic Planning Report 1110/APR1 submitted to the Council 20/06/2023

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