

<b>Application Number:</b>	2023/0341	<b>Application Type:</b>	Full
<b>Proposal:</b>	Proposed Change of Use to Childrens' Residential Care Home	<b>Location:</b>	Clairemoor House Tonacliffe Way Whitworth OL12 8SN
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	05.09.2023
<b>Applicant:</b>	Kauser	<b>Determination Expiry Date:</b>	08.09.2023
<b>Agent:</b>	Cruciform Architects		

<b>Contact Officer:</b>	<b>Claire Bradley</b>	<b>Telephone:</b>	<b>01706 238636</b>
<b>Email:</b>	<b>planning@rossendalebc.gov.uk</b>		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	No
<b>Member Call-In</b> Name of Member: Reason for Call-In:	Yes Councillor Alan Neal No clarification on numbers of staff. Is there any permission from LCCC or CQC Concerns from local residents with regards to the lack of off street car-parking on Tonacliffe Way, given the close proximity to a very busy County Primary school. 1, what are the numbers of staff on a daily basis onsite. 2, What checks would be put into place, given we are taking about vulnerable children. 3, Have the CQC been either informed or notified by the applicant's or their agents. 4, Will LCC be requesting a Highways impact statement given the current on street parking situation within the location
<b>3 or more objections received</b>	No
<b>Other (please state):</b>	

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

### Article 8

The right to respect for private and family life, home and correspondence.

## **Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

### **1. RECOMMENDATION**

That the application be approved subject to the conditions specified below.

### **APPLICATION DETAILS**

### **2. SITE**

The application relates to an existing detached dwelling in its own grounds surrounded by mature vegetation located on Tonacliffe Way.

The property is constructed in red brick with render and a tiled roof and two garages attached perpendicular to the front elevation.

The property contains 4 rooms and two integral garages on the ground floor and 4 bedrooms and a bathroom on the first floor.

There is a driveway and a garden between the dwelling and Tonacliffe Way, and a small rear garden.

The surrounding is predominantly residential with a primary school located very close to the application site.

The site is located within the urban boundary.

### **3. RELEVANT PLANNING APPLICATION HISTORY**

There are no previous applications.

### **4. PROPOSAL**

This application seeks approval for conversion of a dwelling into a residential care home for 3 children.

Changes to the dwelling involves the removal of the garage doors and creating a window opening in one and bricking the other up. These will become a therapy room and a staff office/sleep-in room.

The application proposes 2-3 on site staff at any one time on shifts of 24 to 48 hours

Parking for up to five vehicles is shown on the submitted site plan.

### **POLICY CONTEXT**

#### **National Planning Policy Framework**

Section 2     Achieving Sustainable Development  
Section 4     Decision Making  
Section 9     Promoting Sustainable Transport  
Section 11    Making Effective Use of Land

## **Development Plan**

### **Local Plan Policies**

Policy SS: Spatial Strategy

Policy SD1: Presumption in Favour of Sustainable Development

Policy SD2: Urban Boundary and Green Belt

Policy ENV1: High Quality Development in the Borough

Policy TR4 Parking

### **Other material considerations**

National Planning Practice Guidance

## **5. CONSULTATION RESPONSES**

<b>Consultee</b>	<b>Response</b>
LCC Highways	No objection
LCC Policy, Commissioning and Childrens Health Services	No comments received
RBC Environmental Health	No objection

## **6. REPRESENTATIONS**

To accord with the General Development Procedure Order a site notice was posted on 08.08.2023 and neighbour letters were posted out on 02.08.2023.

Two objections have been received on the following grounds:

There are current anti-social issues in the area.

There is not enough space on this property to fulfill the expectations in these plans, especially as it backs onto the local school which is suffering from vandalism.

## **7. ASSESSMENT**

The main considerations in this case are as follows:

- 1) Principle;
- 2) Visual Amenity;
- 3) Neighbour Amenity;
- 4) Access, Parking and Highway Safety

### **Principle**

Paragraph 11 of the Framework states that planning decisions should apply a presumption in favour of sustainable development. In this case, the application site is located within the defined urban boundary, where Policy SD2 of the Local Plan seeks to locate the majority of new development.

The site is located in a reasonably sustainable location, 220m from Market Street and a frequent bus route between Rochdale and Accrington (464), adjacent to a primary school and within 800metres of other services in Whitworth.

The proposal also has the potential to create a small number of new jobs in the borough.

Overall, it is considered that the proposed scheme accord with the Framework and the Local Plan. Having regard to all of the above, the proposed development is acceptable in principle.

### **Visual Amenity**

Policy ENV1 of the Local Plan seeks to promote high quality design in the Borough, and includes a varied set of criteria with which development proposals need to comply.

Paragraph 130 of the Framework states that planning 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;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*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.”*

The proposed development includes the removal of the garage doors and the replacement with a window in one and bricking up in the other.

There are no other changes to the external elevations of the building.

This is acceptable in terms of visual amenity.

The proposal is in accordance with the NPPF and Policy ENV1 of the Rossendale Local Plan in respect of visual amenity.

## **Neighbour Amenity**

Policy ENV1 (c) requires development to be *sympathetic to surrounding land uses, avoiding demonstrable harm to the amenities of a local area*; and (d) states that the *scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing or oppressive, overlooking, or resulting in an unacceptable loss of light;-nor should it be adversely affected by neighbouring uses and vice versa*;

The application site is adjacent to existing residential properties, however, owing to the separation distance involved and the orientation of the neighbouring properties, it is not considered that the use of the building as a children's residential home would result in any unacceptable harm to the living conditions of residents in the local area.

Owing to the size of the building and the proposed floorspace /room size within the building, it is considered that the scheme would provide a high level of amenity for future occupants.

In view of the above it is considered that the proposals will safeguard the residential amenities currently enjoyed by the occupiers of the neighbouring properties to the side, front and rear, and provides a suitable amenity for future occupiers. It is therefore considered that the proposal satisfies the requirements of Policies ENV1, and ENV6 of the Rossendale Local Plan in neighbour amenity terms.

## **Highway Safety**

The proposed development includes up to 3 children living within the dwelling, 2-3 members of staff at any one time, and occasional visitors (social workers, Ofsted inspectors etc.).

The residents would live for all intents and purposes as a private dwelling, and there would be little difference in frequency of visitors between the application site and a private dwelling

The site plan shows that the required parking can be provided within the site.

There has been no objection to the proposal from the Highway Authority and they have not requested any additional information in terms of impact of the development on the surrounding highways.

The proposed development is in accordance with the Rossendale Local Plan and the NPPF in terms of highway access, safety and parking.

## **Other matters**

In terms of other matters raised in the call in request as follows:

*No clarification of numbers of staff* – the supporting statement states three children will reside at the property and a care home of this size would require 2-3 staff on site in shifts of 24-48 hours with change overs being staggered

Has the company in question sought advice or permission of the CQC, or LCCs children's services – the CQC are not relevant to this proposal as they are the

independent regulator of health and adult social care in England. LCC Children's Services have been consulted as part of this application but at the time of writing no response has been received. The regulator for children's services is Ofsted.

## 8. CONCLUSION

There is no undue detrimental impact on visual amenity, neighbour amenity, or highway safety from the proposed development. The development is considered acceptable and in accordance with the Rossendale Local Plan and the NPPF.

## 9. RECOMMENDATION

That planning permission be approved subject to the following conditions.

## 10. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

Drawing No 110-01-03A Site Plan and Location Plan received 14.07.2023

Drawing No 110-01-01 Plans as Existing received 14.07.2023

Drawing No 110-01-02 Plans as Proposed received 14.04.2023

*Reason: To define the permission and in the interests of the proper development of the site.*

3. Construction works shall not take place outside the following hours-  
Monday to Friday 08:00 to 18:00  
Saturday 08:00 to 13:00  
Construction works shall not take place on Sundays or Bank or Public Holidays.  
Access and egress for construction deliveries shall only be accepted between the hours of (9.30am) and (2.30pm) Monday - Friday, to avoid peak traffic on the surrounding highway network.

*Reason: To ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.*

4. No materials shall be used on the elevations of the proposed development other than those referred to on the approved plans.

*Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.*

## 11. INFORMATIVES

1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises

sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.



1:50 Front Elevation



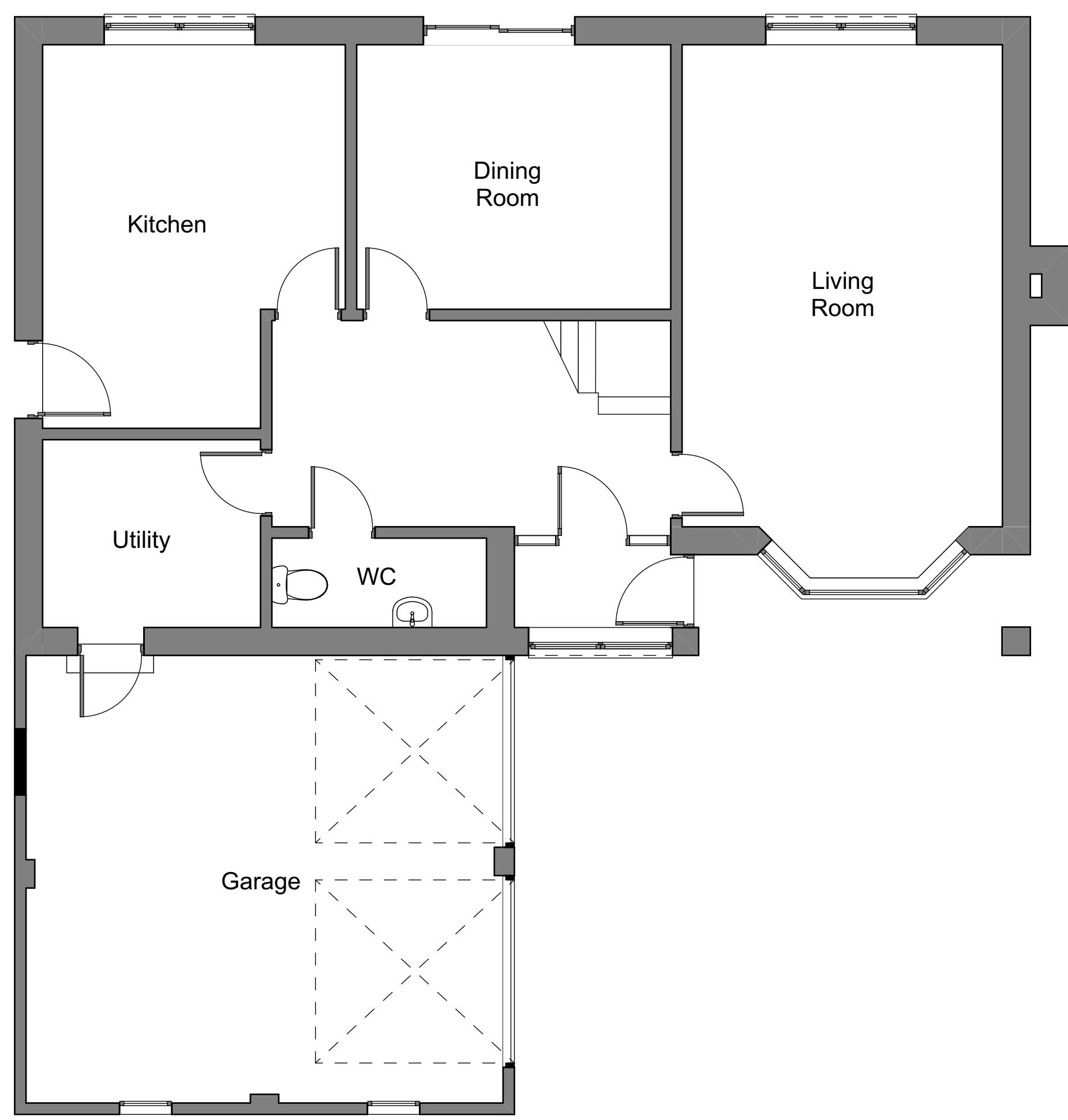
1:50 Side Elevation



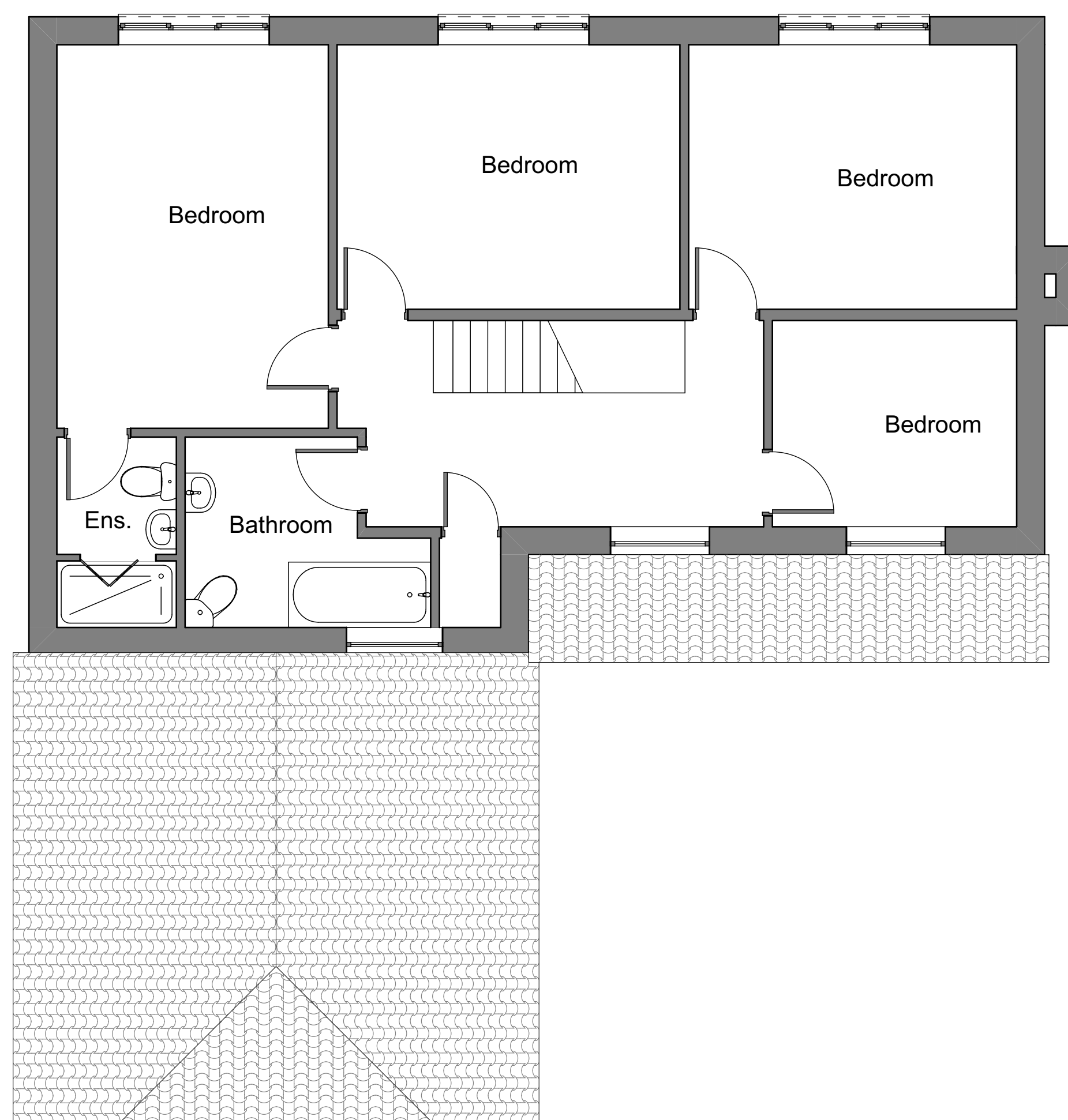
1:50 Rear Elevation



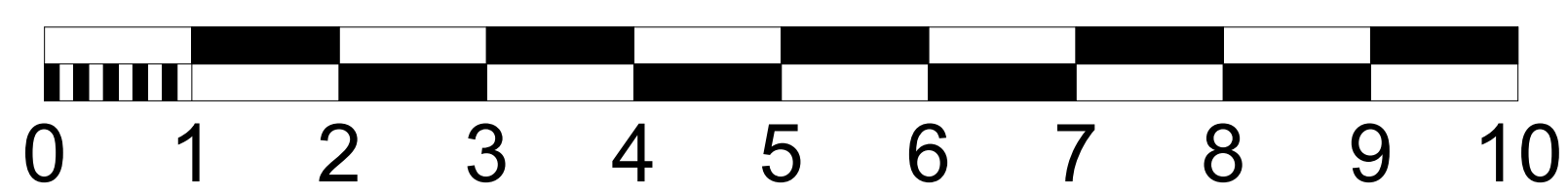
1:50 Side Elevation



1:50 Ground Floor



1:50 First Floor



Rev.	Comment	Date	By

**CRUCIFORM ARCHITECTS**

Project  
 Clairemoor House, Tonacliffe Way, Rossendale - Proposed Change of Use to Residential Childrens Home

Scale  
 1:50, 1:100, 1:1250, 1:200, 1:20 @ A1

Issue Date  
 13/07/2023

File  
 Existing

Drawing Number  
 110-01-01

(Revisions) Revision ID

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1:50 Front Elevation



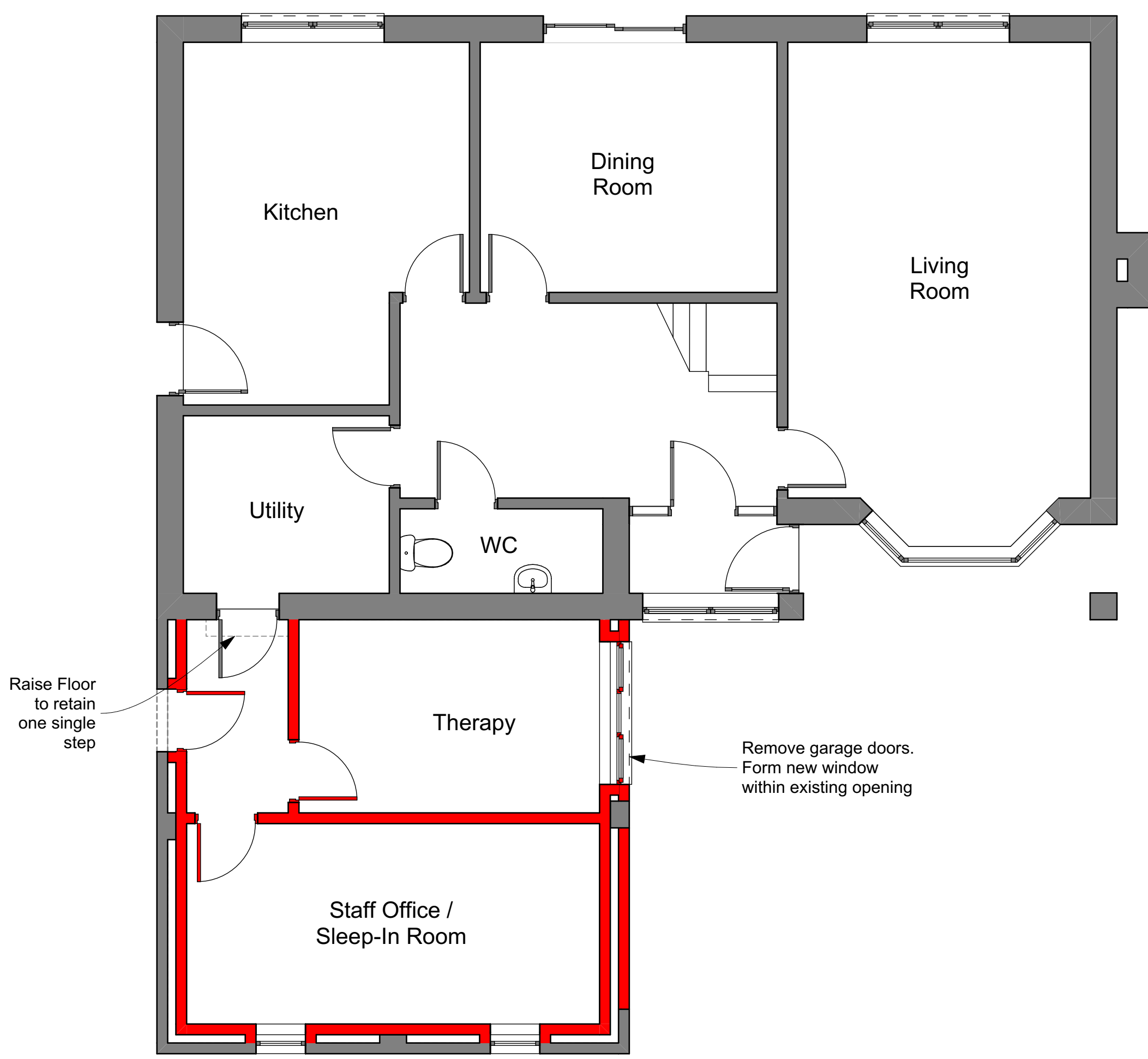
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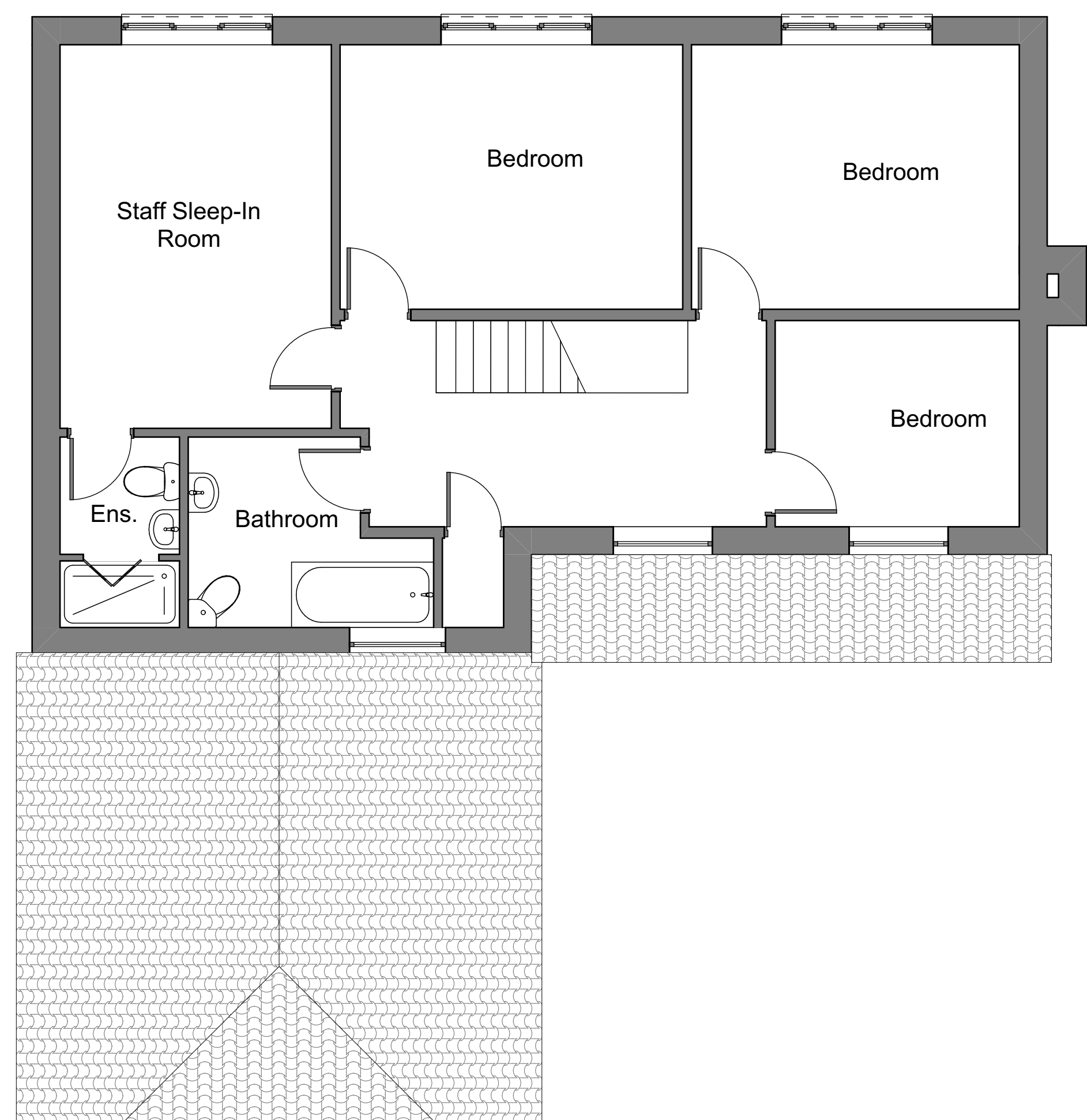
1:50 Rear Elevation



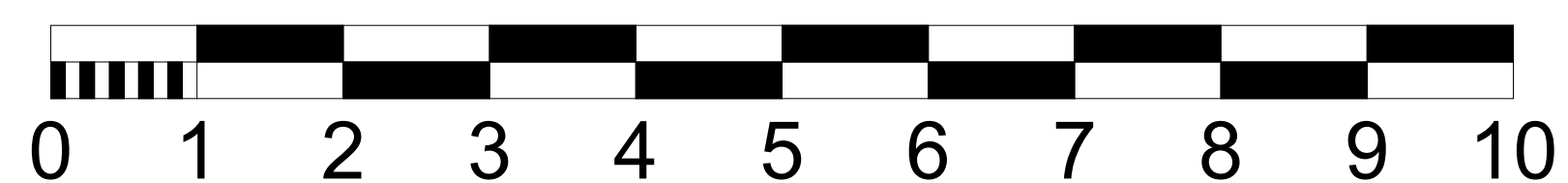
1:50 Side Elevation



1:50 Ground Floor



1:50 First Floor



Rev.	Comment	Date	By

# CRUCIFORM ARCHITECTS

Project  
 Clairemoor House, Tonacliffe Way,  
 Rossendale - Proposed Change of  
 Use to Residential Childrens Home

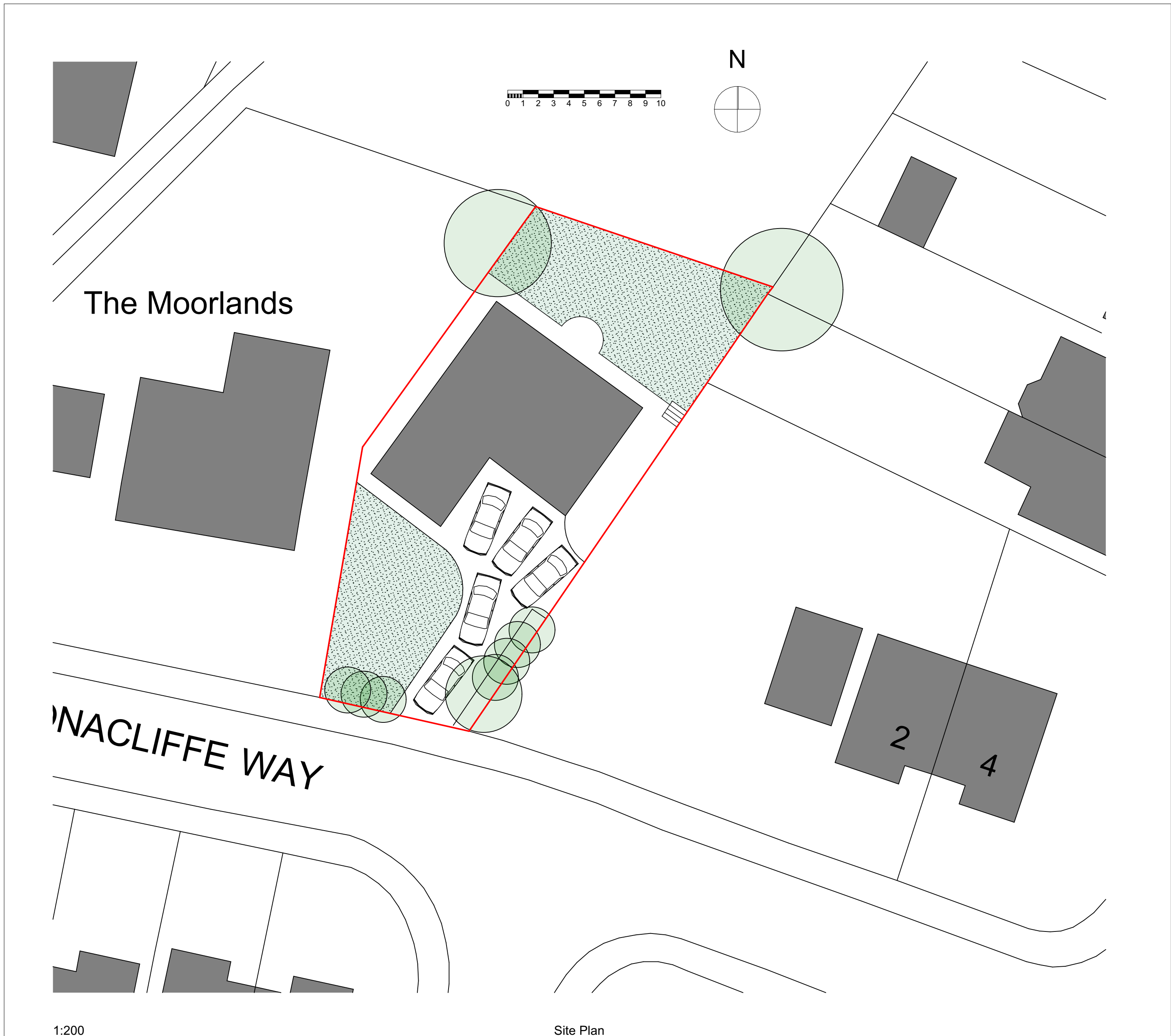
Scale  
 1:50, 1:20, 1:200 @ A1 Issue Date  
 13/07/2023

Title  
 Plans as Proposed

Drawing Number  
 110-01-02 (Revisions) Revision ID

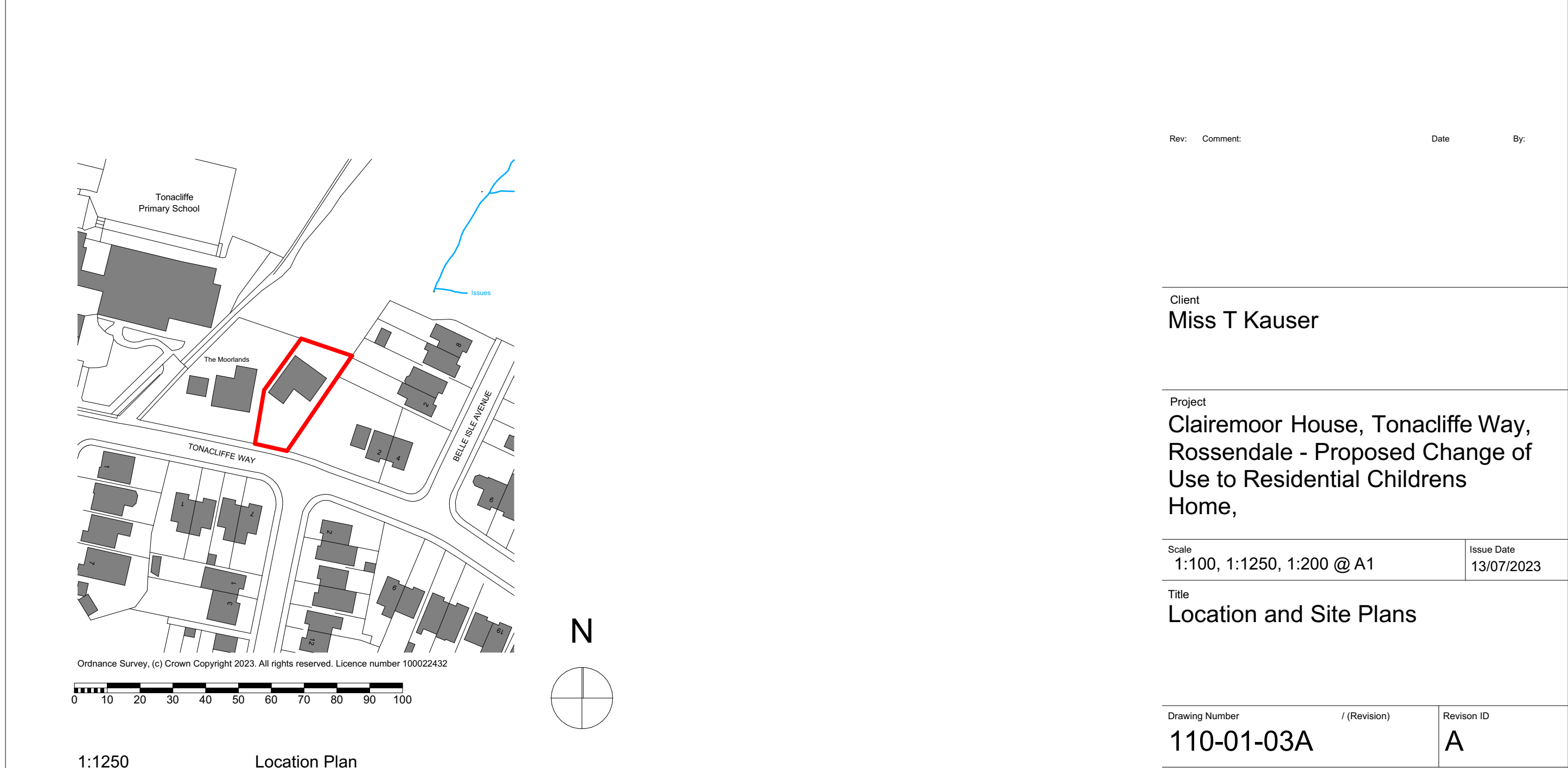
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1:200

Site Plan



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1:1250

Location Plan

Rev: Comment: Date By:

Client  
Miss T Kauser

Project  
Clairemoor House, Tonaclyffe Way,  
Rossendale - Proposed Change of  
Use to Residential Childrens  
Home,

Scale  
1:100, 1:1250, 1:200 @ A1

Issue Date  
13/07/2023

Title  
Location and Site Plans

Drawing Number  
110-01-03A

/ (Revision)  
Revision ID  
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