

Rossendale

BOROUGH COUNCIL

Application Number:	2019/0198	Application Type:	Full
Proposal:	Change of use from dwelling (C3) to family residential assessment home (C2)	Location:	Heath Hill, Booth Road, Stacksteads
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	27/08/2019
Applicant:	Mrs Tracy Hartland	Determination Expiry Date:	02/08/2019 Extension of Time until 31/08/2019
Agent:	None		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	No
Member Call-In Name of Member: Reason for Call-In:	No
3 or more objections received	Yes
Other (please state):	No

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 Planning Permission be granted subject to the conditions set out in Section 10.

2. SITE

'Heath Hill' is a vacant detached stone/rendered blockwork/red clay tile bungalow which was last used as a single dwelling. It is located approximately 90 metres north west of the junction of Booth Road and Tunstead Road within the Urban Boundary of Stacksteads. The surrounding area is predominantly residential in character.

3. PROPOSAL

Planning permission is sought to change the use of the premises from a dwelling to a family residential assessment home (as defined by Class C2 of the Use Classes Order). The intention is to provide care for, and assessment of, up to five families at any one time to ascertain their suitability as parents for their children. Families will be resident on the premises at all times during the assessment period, which is expected to be approximately 12 weeks, but will otherwise have a separate home address. Two fully trained members of staff will also be present on the premises at any one time.

4. PLANNING HISTORY

X/1992/257 - Outline – Erection of 3 no. detached dwellings (resubmission) – Approved 28/08/92

X/2001/123 - Erection of 3 no detached dwelling houses – Approved 12/06/01

5. POLICY CONTEXT

National

National Planning Policy Framework (2019)

Section 2 Achieving Sustainable Development

Section 9 Promoting Sustainable Transport

Section 12 Achieving Well Designed Places

Section 15 Conserving and Enhancing the Natural Environment

Development Plan Policies

RBC Core Strategy (2011)

AVP2	Strategy for Bacup, Stacksteads, Britannia and Weir
Policy 1	General Development Locations and Principles
Policy 4	Affordable and Supported Housing
Policy 9	Accessibility
Policy 23	Promoting High Quality Design and Spaces
Policy 24	Planning Application Requirements

Other

National Planning Practice Guidance
RBC Emerging Local Plan

6. CONSULTATION RESPONSES

LCC Highways: No objections provided that vehicular access to the development is gained solely via the access adjoining 1 Woodland Mount. This is considered to be suitable to serve a development of this nature and scale without further improvement.

RBC Environmental Health: No objections

7. NOTIFICATION RESPONSES

The application was originally advertised by posting a site notice outside of the building and by sending individual notification letters to surrounding properties. These were posted/sent on 20th and 12th June 2019 respectively giving 21 days to comment. The application was subsequently amended, the amendment being the inclusion of the access road adjoining 1 Woodland Mount within the application site to enable it to be used to provide vehicular access to the development, and an additional 14 days was subsequently given to local residents to comment as a result of this. All publicity periods have now expired and eight letters of objection have since been received. The objections are:

- a) that an approval of this proposal would be contrary to local plan policy as this site is identified as being suitable for housing development,
- b) that the development would not be sustainable as it would be located some distance from shops and amenities, the nearest of these being located in Rawtenstall which is a bus/car ride away. The development should be located nearer to existing services.
- c) that the development would be out of keeping with the character of the area,
- d) that the proposal would lead to excessive noise at unsocial hours,
- e) that the level of privacy currently experienced by neighbouring properties would be adversely affected if this proposal was approved,
- f) that an approval of this proposal would not be in the best interests of highway safety in the area. It would lead to an unacceptable increase in vehicular movements to and from the premises and to additional 'on-street' parking on Booth Road,
- g) that this is not a safe environment for young children to play in as Booth Road is a well used highway,
- h) that a residential area such as this is not an appropriate location for a development of this nature,

- i) that the development would not bring any benefits to the local area,
- j) that an approval of this proposal could lead to an increase in crime and anti-social activity in the area,
- k) that the ownership of the access road needs to be known before a decision is made on this application,
- l) that the development fails to meet the Government's Residential family centres national minimum standards,
- m) that the application has not been properly advertised, and
- n) that insufficient accurate information has been submitted with the application to enable the implications of the proposal to be properly judged.

ASSESSMENT

Principle

Given the nature and location of the proposed development it is considered that the proposal needs to be considered initially against the relevant requirements of Policies 1, 4 and 9 of the Core Strategy and Sections 2 and 9 of the NPPF. It is considered that it will reasonably meet the requirements of these for the following reasons.

It is contended, despite concerns to the contrary, that the development will be relatively sustainable and to this end will meet the requirements of Section 2 of the NPPF and Policies 1 and 9 of the Core Strategy in this regard. The proposal involves the re-use of an existing building that lies both within the Urban Boundary of Stacksteads and directly on a bus route.

In addition, it is contended that an approval of this proposal could reasonably be seen as assisting the provision of a form of development that is similar to 'supported housing'. This is 'in line' with the aims of Policy 4 of the Core Strategy.

Concern has been expressed by one local resident to the effect that this proposal may prejudice the future development of a larger site that is allocated for residential development. However:-

- a) no part of the application site, or the land to the immediate north, is currently allocated for housing development in the Council's adopted Development Plan,
- b) whilst part of the application site, and the land to the north, are identified for such development in the emerging local plan (see proposed site allocation H32) this allocation has not been formally approved to date as the emerging plan is still going through the adoption process. This allocation can therefore only be afforded limited weight at this stage.
- c) if the allocation is subsequently formally adopted, allowing the proposed family centre would not necessarily prevent this land from being developed for residential purposes. This is because either:
 - i) the future housing scheme could potentially be designed with a view to accommodating the family centre, or alternatively

ii) the centre could be viewed as an interim use which may cease on commencement of any subsequent housing development.

In view of the above it is considered that it would be difficult, at this stage, to sustain a refusal of this application purely on the grounds that it may potentially prejudice the future development of the land in question for housing.

In conclusion, given the points outlined above, given that 'C2' uses of this nature are often located within residential areas such as this despite the views of the objectors to the contrary, and as this proposal is considered to be acceptable in all other respects (for reasons outlined below), the scheme is, on balance, considered to be acceptable in planning policy terms.

Visual Amenity

It is not proposed to make any alterations to the external appearance of the building or the surrounding land as part of this application. Consequently it is contended that the proposal will have no significant impact upon the appearance of the locality and as such will reasonably satisfy the requirements of Policies AVP2, 1, 23 and 24 of the adopted Core Strategy and Sections 12 and 15 of the NPPF in visual amenity terms.

Neighbour Amenity

The proposals do not involve any enlargement of the building or the installation of any new windows within it. In view of this it is contended that, despite concerns to the contrary, the proposal will not have any significant effect upon the level of light currently received by the surrounding properties nor will it lead to any greater degree of overlooking of the neighbouring dwellings than may currently be occurring.

The building will be permanently occupied. However, it is considered that a use of this nature and scale is unlikely to generate excessive noise, despite concerns to the contrary, and is therefore likely to be compatible with a residential area. In view of this it is not envisaged, on the balance of probability, that the proposal is likely to cause significant disturbance to the neighbouring properties and certainly not to the extent that a refusal of the scheme could reasonably be justified on such grounds. This view is supported by Environmental Health who raises no objections.

In view of the above it is considered that the proposal would reasonably safeguard the amenities currently enjoyed by the neighbouring properties and on this basis it is considered that in pure neighbour amenity terms it would reasonably satisfy the requirements of Policy 24 of the adopted Core Strategy.

Highway Safety

The applicant has indicated:-

- a) that the families using the premises are unlikely to have the use of a car, and will be encouraged to use public transport or walk rather than use taxis;
- b) that they will be encouraged to make 'linked trips' (e.g. visit the health centre and do shopping at the same time),
- c) that visits by emergency vehicles are unlikely to be any greater than for the average household, and
- d) that a maximum of two staff members will be on the premises at any one time.

They contend that this will limit the number of vehicular movements to and from the premises to a level that, in reality, would not be significantly greater than would be generated by the former dwelling.

In addition, sufficient space is considered to be available within the defined site for the associated 'off-street' parking and turning of vehicles.

Finally, there are currently two means of gaining vehicular access to the site, one that directly adjoins 1 Woodland Mount with the other more centrally positioned. It is proposed to gain vehicular access to the development solely by using the former. This is considered acceptable in this instance as it is considered suitable, in its current form, to serve a development of this scale and nature enabling vehicles to safely enter and exit Booth Road.

The scheme has been assessed by County Highways who consider that it will be acceptable provided that the development is accessed solely using the access referred to above with the other (which is more centrally positioned) not used at all. They have also indicated that given the nature and scale of the development there will be no need to make any improvements to that access.

Subject therefore to the imposition of a condition limiting vehicular access to the development in the manner described it is not envisaged that the proposal is likely to give rise to any undue highway safety concerns despite concerns to the contrary. The proposal is therefore considered to be acceptable in this regard reasonably meeting the requirements of Policy 24 of the Core Strategy.

Other Issues

The concerns raised by the objectors to the development, as outlined in the 'Notification Responses' section above, have been assessed. However, they are not considered to represent justifiable reasons for opposing the development for reasons given earlier in the report and below:

- a) fear of crime is a material consideration when considering a planning application. However, in this instance it is considered that this issue has been reasonably addressed. The applicant has declared that the home will be registered with Ofsted and that all families will be risk assessed before they are first admitted to the premises. Family

members that are actively taking illegal substances, abusing alcohol or that have committed, or are likely to commit, a serious crime will not be admitted. Furthermore, displays of unacceptable behaviour will lead to their placement being terminated with immediate effect.

- b) the property is quite enclosed with substantial walls, hedges and gates along the boundary with Booth Road. Since there does not appear to be any intention to remove any of these as part of the proposal, and as the scheme is to be managed, it is contended, on the balance of probability that the premises would provide a safe environment in which children visiting the centre would be able to play.
- c) the applicant does not need to demonstrate that the scheme will have any local benefits in order to render it acceptable in this instance. However, they have indicated that they will be seeking to provide training opportunities for students from Burnley College.
- d) there may be more suitable sites for developments of this nature. However, a planning application cannot reasonably be refused for this reason.
- e) it is not necessary for the Local Planning Authority to know, as a matter of fact, who owns the land which is the subject of a planning application before determining that application. This is because issues of land ownership are not 'planning matters'. The current planning legislation solely requires an applicant to declare on the application form that they have notified the owner of the land in question of their proposals. The applicant has done this, in this case identifying B and E Boys as the owners of all of the defined site (including the access road).
- f) a planning application cannot be determined having regard to the Government's Residential family centres national minimum standards as this is not relevant planning legislation. However, should this application be approved the applicant may need to address the requirements of this legislation separately before commencing the use.
- g) the application has been advertised in full accordance with the requirements of the current planning legislation, and
- h) it is considered that sufficient accurate information has been submitted with the application to enable the implications of the proposal to be properly judged.

Conclusion

The proposal is considered to be acceptable in principle as it involves the re-use of an existing building for an appropriate purpose in a relatively sustainable location. Furthermore, it is considered that a development of this scale and nature would not unduly harm the amenities currently enjoyed by neighbouring properties or give rise to any undue highway safety concerns. The proposal is therefore considered to be in accordance with the requirements of Policies AVP2, 1, 4, 9, 23 and 24 of the Council's adopted Core Strategy DPD (2011) and Sections 2, 9, 12 and 15 of the National Planning Policy Framework.

9. RECOMMENDATION

That planning permission be granted subject to the conditions set out in section 10 below.

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:

<u>Drawing Title</u>	<u>Drwg No</u>	<u>Date Rec'd</u>
Location Plan	p2buk/365517/496365	08/07/19
Site Layout Plan	b90buk/366465/497625	09/07/19

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

3. Vehicular access to the development shall be gained solely via the existing access that directly adjoins 1 Woodland Mount. The other more centrally positioned access shall not be used to serve the development at any time.

Reason: In the interests of highway safety, in accordance with the requirements of Policy 24 of the Council's adopted Core Strategy Development Plan Document (2011).

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the premises shall be used solely for the purposes of a family residential assessment home, as defined by Class C2 of that legislation, and for no other purpose whatsoever. Proposals to use the premises for any other purposes within that use class shall not take place unless a separate formal planning application has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain a degree of control over the development as other uses within class C2 could potentially generate undue noise and significantly greater vehicular movements to and from the site.

INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:
http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

2. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coalmine workings or coal mine entries (shafts and adits) require the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com
3. Please note that any external alterations to the premises may require separate formal planning permission.