

Application Number:	2020/0437	Application Type:	Full
Proposal:	Full: change of use of building from restaurant, B&B and apartment to a residential family support and assessment home (Use Class C2 - residential institution), with associated works.	Location:	240 Grane Road Haslingden Rossendale Lancashire BB4 4PB
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	18/02/2021
Applicant:	Matthew Osgood	Determination Expiry Date:	19/03/2021
Agent:	Simon Wallis (WBD)		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	✓
Other (please state):	

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 this report.

2. SITE

240 Grane Road is an end-terraced three-storey stone/rendered property which was last used as a restaurant, B&B and apartment. It is located immediately adjacent to Grane Road, and has a spacious car park / hard standing area to the east and south sides.

The immediately surrounding area is predominantly residential in character, but there are commercial units further west along Grane Road and further to the north and east.

The site is located within the defined urban boundary.

3. PROPOSAL

Planning permission is sought to change the use of the premises from a dwelling to a family support and 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 six families at any one time to ascertain their suitability as parents for their children. Families would be resident on the premises at all times during the assessment period, which is expected to be approximately 12 weeks.

Families (of most frequently 1 mother and 1 child) are referred to the service via Local Authorities and through Family Court directions, with the assessment assisting social workers and the Courts in care planning decisions regarding the children.

The applicant has provided the following statement setting out their proposals in more detail:

“The purpose of this planning application is to allow Sisu Services Ltd to open a Family Residential Unit. This type of provision is much needed on a national footprint but especially in the East Lancashire area.

Only parents who have a reasonable likelihood of achieving a positive assessment and making good use of the support on offer are accepted following a thorough referral process/assessment and liaison with placing authorities.

There are high expectations of parents in terms of behaviour both within the unit and the community which parents sign up to prior to placement. If these are not met we have strict policies and procedures in place allowing for swift action to be taken and placements to be ended if necessary. However, we aim to be a positive place for families, staff and within the community and upskill parents to raise their children safely. The families are aware that they are under a robust assessment process and recognise the implications of a negative assessment which can be that their children are removed from their care; therefore our experience is that families work alongside our support to make positive changes where necessary.

No families are accepted who have current drug and/or alcohol dependence and drugs and alcohol are not permitted on the premises. CCTV would be fitted throughout the property and externally to support the monitoring of parents on a consistent basis.

The families are encouraged and supported to make positive use of community resources and provision. Local shops, children's centres, libraries, places of worship, charities, public transport and groups are likely to benefit from the uptake and financial input from families and staff alike. We further seek to integrate the service into the local community with events such as coffee mornings or drop-in activities for local residents, outside agencies/businesses etc.

Families are only permitted to have approved visitors to the property at agreed times. This approval and agreement is achieved after liaison has taken place with the placing Local Authority and a risk assessment taken place, including police checks on the potential visitor. Any unapproved visitors risk putting the resident's placement in jeopardy and positive working relationships with local police services can assist if necessary. Sisu Service Ltd do not publicise the unit's address on websites or social media.

Careful consideration has been given to staff rotas to prevent disruption to residents. Shift patterns are 8am/pm to 8am/pm. Staff and occasional professional visits to the property are the only expected vehicles/traffic as, from experience it is unlikely that parents will have a car at their disposal. Onsite car parking is available for any vehicles associated with the property. Sisu Services Ltd are registered, inspected and regulated by Ofsted. This ensures the highest of standards in terms of the service we provide and includes strict regulations of health and safety. We are responsible for maintaining the property internally and externally ensuring that it is in good repair and fit for purpose. Any failure on our part to adhere to this could result in our business being shut down.

Staff working at the unit will be recruited from the local area and will be appointed after rigorous recruitment process ensuring they have recognised professional qualifications, appropriate experience, and good references. Both directors have been on Safer Recruitment training via the Local Authority and all staff will be subject to DBS checks. The staffing structure includes a Registered Manager, Social Worker (both registered with regulatory bodies and bound by professional standards and responsibilities) a deputy manager and 12 support staff (on a rota basis) who will receive regular appraisals in line with our supervision policy. We aim to build a volunteer programme, a parent mentor scheme and

create opportunities for social work student placements (which universities struggle to find). Our business plan and service offer include opportunities for counselling and therapeutic support for parents and this is likely to be commissioned from local providers.

Sisu strives to have huge positive impact on the families we support, to provide excellent working conditions for our valued staff, and to become recognised as a place where good things happen within both our physical and professional communities.”

4. PLANNING HISTORY

1994/0128 - Change of use of existing part commercial / residential first floor to additional restaurant floor space. (Approved)

2020/0084 - Change of use at ground floor from Restaurant to Shop (Use Class A1) and Professional Services (Use Class A2). Change of use at first floor from B&B to an apartment (Use Class C3) including addition of balcony. Second floor use to remain as apartment. (Pending)

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)

- AVP6 Haslingden and Rising Bridge
- Policy 1 General Development Locations and Principles
- Policy 4 Affordable and Supported Housing
- Policy 7 Social Infrastructure
- Policy 9 Accessibility
- Policy 23 Promoting High Quality Design and Spaces
- Policy 24 Planning Application Requirements

Other

National Planning Practice Guidance

6. **CONSULTATION RESPONSES**

Cadent	No objection
Health and Safety Executive	No objection
LCC Children and Young People Service	No comments received
LCC Public Rights of Way	No comments received
LCC Highways	No objection to revised plans
RBC Environmental Health	No objection
RBC Strategic Housing	Objection
RBC Licensing	No comments received
RBC Operations	No comments received
United Utilities	No comments received

7. **NOTIFICATION RESPONSES**

The application was advertised by posting a site notice and by sending individual notification letters to surrounding properties.

Four letters of objection have since been received, raising the following points in summary:

- Highway safety problems / traffic concerns
- Loss of community spirit
- Harm to rights of way
- Unsustainable location
- Noise / disturbance
- Harm to neighbour and visual amenity
- Risk of criminal activity / anti-social behavior
- Difficulties for existing residents to access and maintain their gable wall
- Future Covid-19 related lockdowns would place the residents of the building at risk

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 Framework. It is considered that it will reasonably meet the requirements of these for the following reasons.

The proposed scheme would utilise an existing building within the defined urban boundary, adjacent to a main road and around 800m from Haslingden town centre. In this respect and despite concerns raised by consultees and objectors about the sustainability of the site's location, the scheme will meet the requirements of Section 2 of the Framework and Policies 1 and 9 of the Core Strategy in this regard.

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.

Policy 7 of the Core Strategy states that *“a positive approach will be taken to the development of new and enhanced social infrastructure, especially where this creates options for a variety of uses and user groups and reduces the need to travel”*. It is reasonable to consider the provision of a family care and assessment unit as constituting a form of social infrastructure, as it is a type of facility that would assist in delivering improvements to peoples' lives and helping them to integrate into wider society.

Having regard to all of the above it is considered that it would be unrealistic to sustain a refusal of this application on matters of principle or sustainability.

Visual Amenity

It is not proposed to make any significant alterations to the external appearance of the building itself. It was originally proposed to construct a natural stone boundary wall (topped with cedar fencing and featuring cedar gates) around the front boundary of the car parking area – however these plans have now been omitted on the advice of the Local Highway Authority. The proposals now seek to retain the existing parking and boundary situation at the front of the site without any modification. A 1.6m high feather-edged timber fence is proposed around an enclosed yard area to the rear of the property – to contain an outdoor patio area and bin storage area. Otherwise, no other significant changes are proposed.

Having regard to the above, it is considered that the proposal will have an acceptable impact upon the appearance of the locality and as such will reasonably satisfy the requirements of Policies AVP6, 1, 23 and 24 of the adopted Core Strategy and Sections 12 and 15 of the NPPF in visual amenity terms.

Residential Amenity

The proposals do not involve any enlargement of the building or any significant alterations to its fenestration. In view of this it is considered that the proposal will not have any significant effect upon the level of daylight, outlook or privacy currently enjoyed by the surrounding properties.

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. The Council's Environmental Health have raised no objections.

It is noted that an objection was received from the Council's Strategic Housing Team, stating:

“Six families in one dwelling next to other settled families, with the issues they bring, will change the nature of the community and is not conducive to promoting sustainable communities, the properties next to it will be low demand and could lead to a decline in the area. It is not close to any shops or facilities, about 1km away.”

However, officers do not consider that refusal of the objection on the above grounds could be reasonably sustained. There is no evidence that the nature of the proposed use, or the families who will inhabit the property, will be any more likely to lead to a change in the nature of the community, or a decline in standards of behaviour within the community, than would be the case if the building was used as a 'normal' C3 dwelling house. The Local Planning Authority would have no more control over the tenancy or persons inhabiting a regular dwelling than it would over the occupants of the proposed supported housing. It would be unreasonable to assume that the persons occupying the development will necessarily lead to issues within the community. The applicant has submitted information which sets out how the facility will operate, and there is no reason to doubt that it will operate in line with the submitted details. In any case such a use would be separately regulated, and as would be the case with any use of the building (be it a restaurant, hotel, dwelling, etc.) any anti-social behaviour would be a matter for the Police to investigate under separate legislation. The perception of any increased risk of anti-social behaviour is not a material planning consideration.

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 planning terms it would reasonably satisfy the requirements of Policy 24 of the adopted Core Strategy.

Highway Safety

The scheme has been assessed by LCC Highways who consider it to be acceptable subject to the inclusion of conditions as follows:

- Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 7m behind the nearside edge of the carriageway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain un-gated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the highway.
- Before the access is used for vehicular purposes, 45° visibility splays shall be provided between the highway boundary and points on either side of the drive measured 5m back

from the nearside edge of the carriageway. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay.

Subject to the above, the scheme is considered acceptable in terms of highway safety, access and parking.

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 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) there may be more suitable sites for developments of this nature. However, a planning application cannot reasonably be refused for this reason.

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. The proposed development would have social benefits in terms of helping to provide support and assessment for families within the community.

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 AVP6, 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 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:
 - Application Form
 - Proposed Plans, Site Plan and Location Plan (201 Rev. C)

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

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any other legislation superseding or amending that Order, the premises shall be used solely for the purposes of a family residential support and assessment home, and for no other purpose whatsoever. Proposals to use the premises for any other purposes within the same Use Class shall not take place unless a separate 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 Use Class C2 could potentially generate undue noise and significantly greater vehicular movements to and from the site.

4. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 7m behind the nearside edge of the carriageway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain un-gated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the highway.

Reason: To permit vehicles to pull clear of the carriageway when entering the site and to ensure adequate inter-visibility between highway users when exiting, in the interests of highway safety.

5. Before the access is used for vehicular purposes, 45° visibility splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay.

Reason: To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility, in the interests of highway safety.

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.