

Application Number:	2022/0407	Application Type:	Full
Proposal:	Full: Change of use of dwelling into a residential children's home	Location:	2 Lyndale Avenue Haslingden Rossendale BB4 4BP
Report of:	Planning Manager	Status:	Publication
Report to:	Development Control Committee	Date:	January 2023
Applicant:	Amanda Ryan New Beginnings	Determination Expiry Date:	9/1/23
Agent:	None		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	Yes
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 in Section 10 of this report.

2. THE SITE

The application concerns a two storey, end of terrace property with front and rear timber clad dormers forming a third floor. At the rear is a small yard largely covered with a polycarbonate roof. It is located on the corner of Lyndale Ave and East Bank Avenue. To the south and west lie residential properties. To the northeast is Haslingden Primary school and to the east is the vacant public baths.

The Site is located within the Urban Boundary.

3. RELEVANT PLANNING HISTORY

None

4. PROPOSAL

The proposal is to change the use of the property from a single family dwelling (Class C3) to a residential children's home (Class C2). The applicant is proposing that there would be 3 young people under the age of 18. The property consists of a ground floor kitchen and dining living room, 3 bedrooms and bathroom at first floor and 2 further bedrooms and a toilet at second floor. At full capacity there would be 3 members of staff and 1 manager during the day shift of 10am to 10pm. The night shift would take over at 10pm when there would be 2 members of staff present. The children would attend school either on foot, by public transport or taxi.

5. POLICY CONTEXT

National

National Planning Policy Framework (2021)

Section 2 Achieving Sustainable Development
Section 6 Building a Strong, Competitive Economy
Section 11 Making Effective Use of Land
Section 12 Achieving Well-Designed Places

Development Plan

Local Plan 2019-2036

SS Spatial Strategy
SD2 Urban Boundary and Green Belt
ENV1 High quality Development in the Borough
HS1 Meeting Rossendale's Housing Requirement
HS8 Private outdoor amenity space
HS15 Specialist Housing

Other Material Considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

Lancashire County Council Highways- No objections

Environmental Health- No objections

LCC Senior Commissioning Manager- Objects to the proposal see comments section below.

7. REPRESENTATIONS

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties on 11.11.22 and a site notice was posted near the site on 16.11.22.

The publicity period has now expired and 6 representations have been received and a petition containing 24 names raising the following issues:

A small terrace house with very little outdoor space is not an appropriate place for a children's home.

Majority of residents in Lyndale Ave are elderly, some disabled and some receiving palliative care. Also other disabled residents including one with two carers for 12 hours a day. There is already a problem of parking. The proposal will exacerbate the problem. School parking also makes the position worse.

Noise and disturbance from property and possible issues with threats being made or criminal damage and police being called.

Impact on price of properties (not a planning issue)
Consultation should have been wider (neighbouring properties were notified and a site notice erected)

8. ASSESSMENT

The main considerations for this application are:

1. Principle of the proposed use.
2. Visual Amenity
3. Residential amenity
4. Parking and Highway Safety

Principle

The site lies within the Urban Boundary where the Council seeks to focus development. The principle of the development is therefore considered acceptable.

Visual Amenity/Heritage

The proposal will not impact on the appearance of the building and therefore the visual amenity and heritage of the area.

Residential amenity

Both national and local policies aim to protect the amenity of all existing and future occupants of land and buildings. Paragraph 130 of the NPPF seeks to:

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.

Policy ENV1 of the Rossendale Local Plan requires that all proposals for new development in the Borough will be expected to be:

sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area.

The proposed children's home would host up to 3 children along with two carers sleeping at the property. During the day there would be a maximum of 3 carers plus the Manager.

While some aspects of the proposal would be consistent with normal family life, the comings and goings to the property would be more intensive and constant than would be expected in a normal residential dwelling. The property would be a place of residence and of work, a use different to a normal domestic environment. Paid carers attending their place of work would be essential. The applicant has advised that there could be 4 staff on duty during the day. The change overs in staffing from day to night staff, transporting children to what could be different schools and visits by social workers and other professionals would be in excess of those associated with a normal domestic dwelling. However, the property is located at the end of a terrace, on a corner and near a primary school and hence it is considered that the level of additional activity and noise and disturbance in this location would not be significantly greater than already exists in the vicinity of the site, such as to justify a reason for refusal.

Policy HS8 of the Local Plan advises that all new residential development should provide adequate private outdoor amenity space. This should be in the form of gardens unless the applicant can demonstrate why this is not achievable and proposes a suitable alternative. In determining the appropriate size for outdoor amenity space for individual dwellings regard will be had to the size and type of dwelling proposed and the character of the development and garden sizes in the immediate vicinity. In this case the proposal is to house 3 children and the lack of a garden will not provide valuable facilities to play or to sit outside and talk. However, the same applies for the existing house where children and young people could live. Whilst it is considered that this is particularly important for children in difficult circumstances, it is considered that it could not be sufficiently justified as a reason for refusal.

Highways

LCC Highways have advised that the demand for parking would not be significantly different from the existing 5 bedroomed home which could legitimately be occupied by a family with grown up children and 3 or more cars. It is a sustainable site close to mainline bus services which serve a number of towns and the nearest High School and could support staff and

children to travel sustainably. It was noted that there was plenty of spare capacity when the LCC Highways Officer visited the site. The potential small increase in parking is unlikely to cause a highway safety issue or impact upon the operation of the highway or the nearby Primary School or the safety of users.

LCC Senior Commissioning Manager

The Senior Commissioning Manager for Lancashire County Council responsible for ensuring that there are sufficient, good quality Children's Homes in Lancashire confirms that it can be very challenging to find local children's homes for some of our children and young people. This is despite there being a very high number of children's homes within Lancashire County Council's boundaries. According to the latest Ofsted register of children's homes, there are 195 children's homes within Lancashire County Council's boundaries operated by private providers, yet as of 30 September 2022, 120 of these homes did not have a Lancashire child living there. The solution to the challenge of finding local homes for Lancashire children is not therefore to simply support more and more children's homes to be opened, but to support applications for new homes from providers who:

- A. have consulted with Lancashire County Council's commissioning team to determine local need and ways in which local placements for local children can be maximised;
- B. are developing a home that meets an identified local gap in provision;
- C. are committed to providing local homes for Lancashire children.

The Senior Commissioning Manager does not support the planning application for 2 Lyndale Avenue in Haslingden to become a 3 bed children's home because the provider has not consulted to discuss their plans to operate a children's home for 3 young people in Haslingden. As this provider has not consulted with the commissioning team within Lancashire County Council to discuss the kind of young people they will intend to care for in this proposed home they are unable to determine whether the provision will meet a local gap in provision. They are also unable to determine whether the provider is committed to providing local homes for local children and how they will work LCC to do this.

Whilst the views of the Senior Commissioning Manager are fully accepted, the consideration as to whether the children to be accommodated are local or from elsewhere and whether it fills a local gap in provision cannot be used as a valid planning reason for refusal, as planning law requires that the application be considered against Development Plan policies.

9. CONCLUSION

The proposal is considered acceptable in principle being located within the urban boundary and concerns a building already in residential use. It is also located within a sustainable location close to mainline bus services and schools. Although there is likely to be some additional activity at the property above that associated with a normal family dwelling taking into account the location on a corner and near a primary school it is considered that this would not be sufficient to justify a refusal of this application.

10. RECOMMENDATION

That planning permission be granted subject to:

- a) The Conditions set out below.

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 documents

Drawing Title

Application Form Signed and dated	18/07/22
Location Plan Received	27/10/22

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

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.

2.The applicant is advised that should the residential element be privately let:-
The property must meet minimum standards under the Housing Act 2004 and be free from unacceptable hazards. (Housing. Health and Safety Rating Scheme) LACORS Fire Safety Guidance has also been adopted as a minimum standard for fire safety. This guidance contains the requirements expected for Fire alarm systems and emergency escape windows.