

Application Number:	2024/0094	Application Type:	Full
Proposal:	Change of use from a dwelling house to a residential institution (children's home) for up to three children.	Location:	34 Douglas Road Bacup Lancashire OL13 9PR
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	25.06.2024
Applicant:	Silethokuhle Zinyemba	Determination Expiry Date:	16.05.2024 EoT agreed to 28.06.2024
Agent:	N/A		

Contact Officer:	Claire Bradley	Telephone:	01706 238636
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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	Yes
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 the application be approved subject to the conditions specified below.

APPLICATION DETAILS

2. SITE

The site relates to a detached two-storey dwelling located to the north of Douglas Road in Bacup. The dwelling is of beige brick construction and has an attached single garage. The property benefits from a small front garden area and a more substantial rear garden enclosed by planting and retaining structures.

To the east there are further dwellings, and to the west there is a substantial area of open space and an electric substation.

The dwelling is located in a residential area, within the defined Urban Boundary.

3. RELEVANT PLANNING APPLICATION HISTORY

2024/0009: Lawful Development Certificate for the proposed use of the dwelling for the care of three children, with on-site care provided by up to 7 support staff. Refused

2021/0702: Lawful Development Certificate (proposed): use of dwelling as a residential children's home. Approved 16.02.2022 for three children and two support staff.

4. PROPOSAL

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

The home would accommodate 3 children and staff would be present 24 hours to offer care to the children.

There is a Registered Manager and Deputy Manager on site most days, and 3 staff where the staff to child ratio is 1:1 resulting in 5 staff on site. However, there may be children who require 2:1 staffing meaning a ratio of 2 staff per child. Potentially this could increase the staff on site to 8.

Staff would work 12 hour shifts day shift and 12 hour night shift.

There is a driveway for 2 cars on the property, and an area of land adjacent to the drive.

There are no external changes to the building.

5. POLICY CONTEXT

National Planning Policy Framework

Section 2 Achieving Sustainable Development
Section 4 Decision Making
Section 9 Promoting Sustainable Transport

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 HS15: Specialist housing
Policy TR4 Parking

Other material considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

Consultee	Response
LCC Highways	No objection subject to conditions
LCC Policy, Commissioning and Childrens Health Services	No comments received
RBC Environmental Health	No comments/objections

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 27.03.2024 and neighbour letters were posted out on 26.03.2024.

There have been 15 representations made objecting to the development on the following grounds:

Size/Location

- Property size not fit for purpose/overcrowding issues for use as outlined in the planning proposal
- This is a residential property not suitable for more than 4-5 people.
- This type of development is not suited for the area.
- The impact on the wider surrounding area and its residents is unacceptable and out of character to the surrounding family homes. It brings no financial economic benefit to the immediate area/residents and is not in keeping with the local population.
- The intended number of staff and residents (11no.) would constitute overcrowding in a dwelling of this size and under current legislation would not be deemed legal. The room / space standards are clarified in the UK Government publication on overcrowding dated Nov 2023.
- Very concerned of how this facility would be managed after witnessing poor health and safety practices whilst refurbishment was carried out, very risky use of fire to burn rubbish resulting in adjacent fence and conifers being destroyed.

- the property in question is directly next to an electrical step-down transformer station which could pose possible health concerns to the potential children who will be residing at number 34 should this be transformed into a children's home.

Parking/Highways

- The application suggesting that the development has parking requirements greater than the property can meet and that overspill car parking can take place on the adjacent field, This area is unowned by the developer and their plan to park there is wholly unacceptable to the community
- Walking along Douglas road is already difficult and adding more cars will increase the difficulty.
- This would be a huge problem not only for immediate neighbours to the property, it will also affect parking /access/ traffic and increased noise/traffic pollution to the residents of the large majority of the estate and above new estate.
- The potential number of vehicles at the property on shift change and verbal handover indicates potential for 16 cars requiring parking at shift change in addition to also highly likely be numerous other visitors to the property due to the medical/psychological/educational needs of the 3 residents. These additional visiting staff would include health professionals, therapists, social workers, police, home tutors, cleaners, cooks, maintenance staff, residential care inspectors, home delivery's and transport for the residents for appointments.

Privacy:

- The front elevation of the property directly overlooks the gardens of several properties. The property is elevated so neighbours can be seen from both up and down stairs of the property.
- The property being changed to an institution with up to 19 people in the property at shift change is completely unacceptable from a privacy point of view.

Waste storage and collection:

- There would be a big increase in all types of waste from the property due up to 16+ people this would require additional wheelie bins and possible biohazard waste if the residents have medical conditions/continence issues.

8. 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

The principles of sustainability are a central thread running through planning policy. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF refers to the need for new developments to be sited in sustainable locations readily accessible by public transport, cycle and on foot. The NPPF states an environmental objective as an

overarching objective and this includes moving to a low carbon economy. The NPPF has a presumption in favour of sustainable development at its heart:

“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development” (Para 11)

The NPPF advises that in assessing applications for development it should be ensured that

- (a) *“appropriate opportunities to promote sustainable transport modes can be-or have been- taken up, given the type of development and its location*
- (b) *safe and suitable access to the site can be achieved for all users.”*

The NPPF places an emphasis on sustainable travel and advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

The NPPF states that Planning policies and decisions should:

- (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.

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.

Policy HS10 in respect of specialist forms of housing states that such proposals will be supported provided that the “development is well located so that shops, public transport, community facilities and other infrastructure and services are accessible for those without a car, as appropriate to the needs and level of mobility of potential residents and staff”

Policy ENV1 requires proposals to demonstrate how the new development will connect to the wider area via public transport, walking and cycling.

The site is in a reasonably sustainable location, 290m from Pennine Road and a frequent bus route between Rochdale and Accrington (464), 850m to the nearest primary school to a primary school and within 1.1km of Bacup Town Centre.

Overall, it is considered that the proposed scheme accords 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.

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 does not include any external changes to the property.

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, over and above that experienced by the current use of the property.

The staff on site will not be sleeping at the property and it is considered that the scheme would provide an acceptable level of amenity for future occupants.

In view of the above it is considered that the proposals will reasonably 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

In terms of highway safety, the proposed development includes up to 3 children living within the dwelling, and between 5 and 8 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.

There is currently a driveway and an area of land adjacent to the driveway within the red edge.

LCC Highways have commented as follows:

There must be 4+ bedrooms at this dwelling to accommodate 3 children and staff. Three driveway parking spaces are required (2.4m x 4.8m in size each) to comply with the parking standards as defined in the Joint Lancashire Structure. These must be in bound porous material on the front of the dwelling with the vehicle crossing extended for the full width.

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.

9. CONCLUSION

There is no 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.

10. RECOMMENDATION

That planning permission be approved subject to the following conditions.

11. 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:

Location Plan received 12.03.2024

Front Elevation Plan received 12.03.2024

Rear Elevation Plan received 12.03.2024

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

3. Prior to first use / occupation, parking for three cars within the site shall be provided. The parking areas must be constructed of a bound porous material and shall thereafter be retained as such in perpetuity.

Reason: To ensure that satisfactory parking is provided before the dwelling hereby permitted becomes operative.

4. The number of children resident in the property shall not at any time exceed 3.

Reason: To define the permission and ensure an acceptable level of occupancy.

5. The residential institution hereby permitted shall only be occupied by the following:
 - a) A child or young person (under 18 years of age) who has been living in Rossendale District for 3 or more years (other than an existing care home); or
 - b) A child or young person (under 18 years of age) with a local connection to Rossendale District (such as immediate family members or a long-term carer who have been living in Rossendale District for 3 or more years, but excluding an existing care home); or
 - c) A child or young person (under 18 years of age) with a local connection to another district within Lancashire (such as immediate family members or a long-term carer who have been living in Lancashire for 3 or more years, but excluding an existing care home).

Reason: To ensure that the development does not put undue pressure on local services and is in line with Ministerial Guidance to ensure children's homes are provided close to where their home area.

12. 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. This consent requires the construction, improvement or alteration of an access to the public highway. A list of approved contractors only, can undertake the approved works under the Highways Act 1980 Section 171. Before any work begins at the site, please contact highways@lancashire.gov.uk for the list of approved contractors and to start the section 171 process.

Location Plan

Site Address: 34, Douglas Road, Bacup, OL13 9PR

Date Produced: 11-Mar-2024

Scale: 1:1250 @A4



Planning Portal Reference: PP-12876876v1





