

Applic No : 2008/791

Applic Type: Full

Proposal : . Change of use of house to group/family children's establishment on ground-floor and supported-living accommodation for young adults on first-floor (Retrospective)

Location: Brighton House, Millar Barn Lane, Waterfoot

Report of : Planning Unit Manager

Status: For Publication

Report to : Development Control Committee

Date: 20/1/09

Applicant : New Beginnings Therapeutic Services Ltd

Determination Expiry Date: 2/2/09

Agent : Steven Abbott Associates

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation NO

Member Call-In : YES

Call-In By - Cllr J Pilling

Reason - I believe that the location for this type of home is wrong. I also have serious issues regarding the running of the home to date.

3 or more objections received : YES

Other : 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.

APPLICATION DETAILS

1. THE SITE

- 1.1 This application relates to a two-storey detached building that fronts Bacup Road (A681), possessing a yard/garden immediately to its rear which is bounded for the most part by a wall exceeding 1.5m in height.
- 1.2 The property is situated just within the boundary of Waterfoot Town Centre, as defined in the Rossendale District Local Plan, the surrounding properties of mixed use. To the west side is the vacant Waterfoot Neighbourhood Office building and its extensive grounds, to the rear is a public car park and to the east side is Millar Barn Lane. To the other side of Millar Barn Lane is another public car park and a terrace of houses that faces towards the main road.

2. RELEVANT PLANNING HISTORY

2000/523 - Change of use from home for the elderly to use as one dwellinghouse - Approved 16 January 2001

3. THE PROPOSAL

- 3.1 In August 2008 complaint was received that the property had changed from a dwellinghouse to a children's care home. Investigation of whether a breach of planning control had occurred has resulted in submission of the current application.
- 3.2 Through this application the applicant is seeking to regularise use of the ground-floor of the building as a group/family home for four children (a use falling within Use Class C2 – Residential Institutions) and of the first-floor for supported-living accommodation for four young adults (a use falling within Use Class C3 – Dwellinghouses).

4. POLICY CONTEXT

National

PPS1

PPS3

PPG13

Development Plan

Regional Spatial Strategy for the North West of England (2008)

DP1-9 Spatial Principles

RDF1 Spatial Priorities

L 2 Understanding Housing Markets

L 3 Existing Housing Stock and Housing Renewal

RT2 Managing Travel Demand

RT4 Management of the Highway Network

EM1 Environmental Assets

Rossendale District Local Plan (1995)

DS1 Urban Boundary

DC1 Development Criteria

Other Material Planning Considerations

LCC Parking Standards

Emerging Rossendale Core Strategy

Rossendale Sustainable Community Strategy

5. CONSULTATION RESPONSES

RBC (Regeneration)

5.1 There are several issues that need to be raised :

- Since the occupation of this property from summer 2008 there has been a continuous stream of complaints regarding noise and nuisance arising from this property - several complaints and issues were reported at the Baltic Bridge Focus Group sessions, as well as several member enquiries', which indicate Police involvement at these premises. As there is a clear issue regarding noise and disturbance to surrounding neighbours and businesses consultation regarding this retrospective planning application needs to be undertaken with Rossendale's Community Safety Manager and local Police.

- No consultation has been undertaken with Rossendale Borough Council's Strategic Housing Department or any other statutory or peer support agencies operating within Rossendale (such as Lancashire County Council's Supported Housing Team; Green Vale Homelessness Service; M3 Project). We are not aware of the funding and referral system used for these premises. From initial discussions with Lancashire County Council (both Social Services Children's' Section and Supporting People Funding Co-ordinator), it does not appear that only local referrals are being taken.

5.2 To summarise, no consultation has been undertaken with the Strategic Housing Department and this type of provision is not within our existing Supported People or Homelessness Strategies. If we had been consulted we would have probably raised issues about the layout; suitability and location of this building as a Children's Home particularly as the supporting information identifies children as young as eight occupying the building. We would have also asked for more information regarding the funding; and referral mechanisms for this property and clarity to the use and occupancy of this building from both a Rossendale and Lancashire perspective.

RBC (Environmental Health)

5.3 It has made an inspection of the premises and has concluded that the premises are not operating as a House in Multiple Occupation (HMO), which would be subject to mandatory licensing by Rossendale Borough Council.

It has no comments / objections in relation to the proposal.

RBC (Community Safety Manager)

5.4 The main comments I would make are in relation to the number of complaints that have been received by both the Council and Police in relation to the premises and the residents.

These have included general anti-social behaviour and nuisance complaints, damage (in particular to the library premises on a number of occasions). One of the residents was charged in relation to the damage and I understand has now quit the premises.

The residents taken on by the home usually have problems and in some cases offending behaviour. Unfortunately, we and the police are not always told in advance which can lead to further problems.

The Police have had numerous meetings with the owners to try and sort out the problems but they have continued. Residents and businesses in the locality have also put together a petition to close down the home.

The local Community Beat Officer for the area was referring the home to OFSTED but I am unsure as to whether he has had a response as yet.

Ofsted

We inspect and regulate to achieve excellence in the care of children and young people, and in education and skills for learners of all ages.

As a regulator we would not be able to comment on the application. Our role is to ensure that the applicant has regard for the requirements of other regulators (such as planning permissions) but can not directly influence these decisions. The Council will have to assess the application on its own merits.

Lancashire Constabulary

I reproduce in full the comments it has provided in respect of New Beginnings Therapeutic Services Ltd, Brighton House :

“Although there is a need for children’s homes New Beginnings is currently placed in the wrong location and it is our belief that this proposal is un-neighbourly due to its location and is detrimental to the quality of life of nearby residents. The home is currently set in a rural village location in Waterfoot with the majority of the children in current placement at the premises residing from highly populated urban areas within the North West where the impact of their behaviour is not felt as hard.

“Brighton House is located in close proximity to the residential and commercial properties on Millar Barn Lane and Bacup Road and stepping out of the door to the property offers a wide range of facilities including a large number of shops (convenience & comparison), a petrol station, Health Centre, 2 schools, a guest house and several public houses to name but a few. The behaviour of the children within Waterfoot has seriously impacted on the quality of life of local residents and business owners which can clearly be seen throughout the list of below incidents reported to the police since June 2008 and the fire service over a yearly comparison. [The List referred to records over 120 incidents reported to the Police since June 2008 concerning residents of the home and their impact on the community. The Fire Service records take the form of plans showing fire service incidents attended in the Whitewell Ward April-November 2007 and for April-November 2008, indicating a marked increase in the number of incidents in the

vicinity of Brighton House since its opening in the uses for which permission is now sought.]

“It has been clearly evidenced that the noise and disruption caused at the home is totally unacceptable, the home is also a focal point and gathering place for other young people engaging in alcohol consumption, increased disruption, shouting, fighting and swearing. The current children at the home are, more often than not, under the influence of alcohol, shouting, screaming and generally behaving in an anti social manner. Should the home continue to be set at its current location it will continue to affect the local community and attendance of the emergency services and other agencies.

“As well as the below list of incidents there are also reported issues going back further in time along with incidents that have also gone unreported to the police by the local community. To mention a few such as verbal abuse towards local businessmen, residents of the home smoking and being rowdy outside a local guest house resulting in complaints from guests, Skips being set alight, intimidation of local workers going about their jobs at 4am in the morning. There are clear occasions when staff at the home are failing to fulfil their responsibility of loco parentis by failing to control their residents and allowing them to do as they please thus creating a massive negative impact on each other and the local community and their current risk assessment for acceptance of children is not good for the area. With one recent instance whereby the home accepted a child with 69 previous convictions, for a wide variety of offences.”

LCC (Highways)

No comments

6. REPRESENTATIONS

6.1 The application has been publicised by way of letters to 32 properties in the vicinity of the site and two site notices.

Letters/emails from the occupiers of 13 properties have been received objecting to the application for the following reasons :

- The uses for which permission is now sought have been operating from the premises for some time, to the detriment of both the local residents and businesses and to the surrounding environs. Since this use commenced the crime rate in Waterfoot has soared
- Children resident at the house have engaged in considerable anti-social behaviour (especially noise at all hours of the day and night) and considerable property damage (especially to the former Neighbourhood Office).
- On numerous occasions it has been necessary to call the Police to attend to Brighton House residents due to arguments, rowdy behaviour, under-age drinking in the street, vandalism, violence, property damage, arson, playing ‘chicken’ with traffic, etc.
- Staff are unable to exercise proper control over the children whose idea of ‘normal’ is to terrorise the neighbourhood with every kind of dysfunctional

behaviour which exists - a log of 'incidents' between June & November 2008, as previously forwarded to Ofsted, has been provided.

- Shoddy parking of vehicles belonging to Brighton House.
- Waterfoot Town Centre is not a suitable location for such a facility - a similar facility at the nearby Baltic House had to be shutdown.
- Waterfoot regeneration will suffer due to the actions of children from Brighton House. Unless the Council are prepared to install constant CCTV or Police presence there will be no way that businesses or buildings in the area can survive.

6.2 An objection to the application has also been received from RBC (Property Services) on the grounds that "...the use of the premises as proposed in the application will constitute a local nuisance....The Council has suffered extensive vandalism and damage to its adjoining property, the former Waterfoot Neighbourhood Office, and it is alleged that some if not all of this damage was perpetrated by residents of the application property as at least one of the residents has been arrested for these offences".

7. APPLICANT'S CASE

7.1 In support of the application it is said that :

7.2 Prior to implementation of Planning Permission 2000/523 Brighton House was used as an residential care home for the elderly (Use Class C2), with a self-contained flat above (Use Class C3). The current application seeks the same combination of land uses.

7.3 For children in the ground-floor accommodation support and care is provided by resident and non-resident staff, consistent with what a responsible carer/parent would provide. For young adults in the first-floor accommodation the residents are responsible for their own cooking, washing and cleaning, the intention being to provide a better transition into adulthood for those leaving care at 18.

7.4 Each of the units will operate as a small domestic group, each comprising of 4 children or young adults with 1 or 2 sleep-in staff, and with a separate entrance and staff. The first-floor staff office is not dissimilar to study/offices people working from home create for themselves, and the external appearance of the building will be unaltered. Comings and goings associated with the units will occur most in the mornings and later afternoon, similar to those associated with dwellings.

7.5 Given that the proposal involves a large single dwellinghouse formerly an elderly persons' home and self-contained flat) being used as two self-contained dwelling units (albeit of a specialist nature) of a domestic scale they ought not to exhibit characteristics or generate activity which would be considered to be materially different than previous uses.

7.6 The two establishments operate under the regulatory framework of Ofsted. As part of the 'duty of care' operators have a responsibility to ensure that children and young people in their care are not allowed to indulge in anti-social or criminal behaviour.

8. ASSESSMENT

8.1 In dealing with this application the main issues to be considered are : 1) Principle; 2) Neighbour Amenity; 3) Visual Amenity; & 4) Traffic/Parking.

Principle

8.2 The lawful use of the building is as a dwellinghouse, and it was formerly used as a home for the elderly. The latter use was appropriate to a location on the fringe of Waterfoot Town Centre, giving residents of the home easy access to activity, facilities/services and public transport.

8.3 This location may similarly be said to be particularly suitable for a home taking young adults with the aim of providing them with a degree of support while acquiring the skills for independent-living as they approach the age at which they leave care. However, RBC (Regeneration) has questioned the suitability of this location for a Children's Home as the building fronts a busy main road/junction and the submitted information identifying children as young as eight occupying it. Representations received refer to incidents in which children have played "chicken", with traffic.

Neighbour Amenity

8.4 Objection to the application has been received from a number of local residents, businesses and property owners, who have provided a long list of incidents of anti-social behaviour and criminal acts involving residents of Brighton House.

8.5 Had the premises not been operating 'fear' of such problems arising from the proposed uses may have been voiced. The weight such 'fears' could be given would have been limited. I say this because peoples 'fears' may not have been realised. Also it could have been said that these problems would not arise with proper management of the premises and Ofsted could be relied upon to ensure proper supervision of residents would maintained through the system of Licensing it operates.

8.6 However, the premises have been operating for some time in the uses for which permission is now sought and the Police have clearly set out the nature and scale of problems with anti-social behaviour and criminal acts this has given rise to and continues to cause. Its concerns have led it to conclude that *"Although there is a need for children's homes New Beginnings is currently placed in the wrong location and it is our belief that this proposal is un-neighbourly due to its location and is detrimental to the quality of life of nearby residents....It has been clearly evidenced that the noise and disruption caused at the home is totally unacceptable.... Should the home continue to be set at its current location it will continue to affect the local community and attendance of the emergency services and other agencies."*

8.7 In light of the above I do not consider it appropriate for planning permission to be granted.

Visual Amenity

8.8 The application does not seek to regularise alterations to external appearance of the premises, nor does it proposes any.

Traffic/Parking

8.9 The Highway Authority has no objection to the proposal, satisfied that adequate off-street parking facilities are available in the locality to meet the needs of visitors and staff employed at the premises.

9. RECOMMENDATION

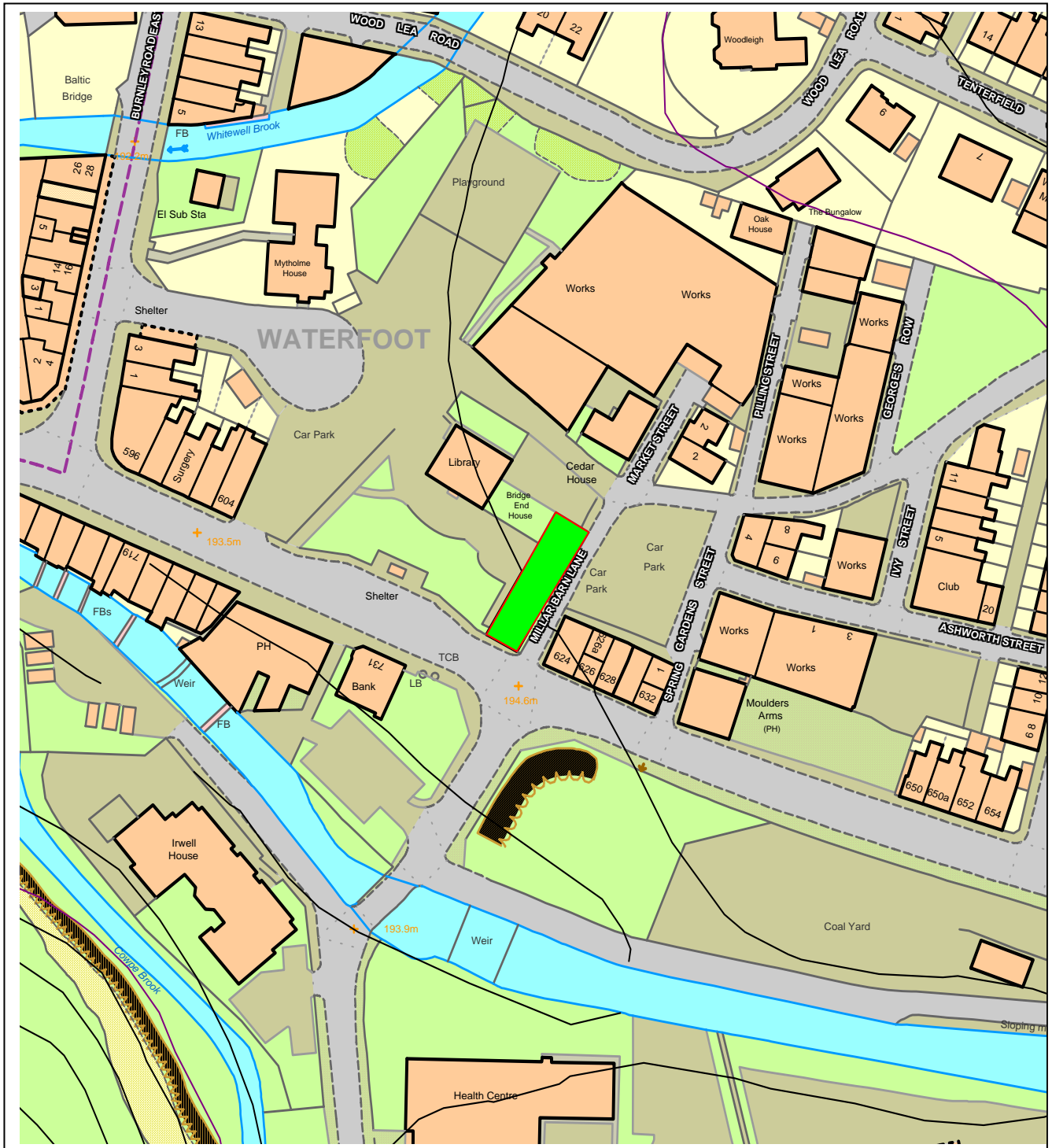
9.1 That Permission be Refused.

10. REASON FOR REFUSAL

The location of the premises is such that the uses which this application seeks to regularise have and will continue to result in unacceptable detriment to the amenities nearby residents could reasonably expect to enjoy, in the view of the Council and the Police, not least by reason of noise and disturbance, and anti-social behaviour and criminal acts of a nature and scale which are unduly harmful to Waterfoot's residents and businesses, and its buildings and their environs. Furthermore, the suitability of this location for a Children's Home for occupancy by children below the age of 11 is questioned as the building fronts a busy main road/junction. Thus, the proposal is contrary to the provisions of PPS1 / PPS3 / PPG13, Policies DP1-9 (in particular Policy DP2 – Promote Sustainable Communities) of the Regional Spatial Strategy for the NW of England (2008) and Saved Policy DC1 of the Rossendale District Local Plan (1995), the Emerging Rossendale Core Strategy and Sustainable Community Strategy.

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Location Plan 2008/0791



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