

Application Number:	2013/0007	Application Type:	Full
Proposal:	Extension of time for implementation of planning permission 2010/0052 for the change of use from a dwelling to a residential home (Class C2) for up to and including thirteen elderly residents as a home for the elderly and up to and including six children as a children's home.	Location:	2 Rising Bridge Road, Haslingden, BB4 5BL
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	12 February 2013
Applicant:	Mrs S Mason	Determination Expiry Date:	04 March 2013
Agent:	Hartley Planning & Development Ltd		

Contact Officer:	Richard Elliott	Telephone:	01706-238639
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	<input checked="" type="checkbox"/>
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 Permission be granted subject to the Conditions set out in Section 11.

2. SITE

The application site lies to the west of the junction of Hud Hey Road and Rising Bridge Road, on the end of a ribbon of residential development in Green Belt.

The building is two storeys high and constructed in natural stone and natural slate and is set back from the road by around 15 metres by a front garden which has mainly been put down to hardstanding for parking although there is a group of TPO'd trees in the south-eastern corner of the site. The building itself has been extended to the south and east and has a substantial, moderately inclining, overgrown rear garden.

Up to December 2003 the building was in use as Class C2 Care Home. However, after that time it was lawfully occupied as a Class C3 dwelling house as permitted under 2003/723. In 2005 the building was sub-divided with the northern section forming a separate dwelling, currently No. 4 Rising Bridge Road. The lawful use of the remainder of the building is as a Class C3 dwelling house. Notwithstanding that, in 2008 part of the building was again partially fitted out as a care home as the owner and occupier incorrectly believed the building to still benefit from planning permission for a care home use.

3. RELEVANT PLANNING HISTORY

2001/276 Change of Use to Dwelling House from Residential Care Home and Provision of Dropped Kerb for Access (relating to No. 4)
Approved

2003/723 Change of Use from Residential Care Home to Private Dwelling
Approved.

2005/178 Conversion of Existing Dwelling into 2 Separate Dwellings
Withdrawn.

2009/0074 Sub-Division of Existing Building to Create Separate Dwelling with Associated Access
Approved.

2009/0264 Change of Use from Dwelling (Class C3) to Residential Care Home (Class C2)
The application was refused on the following grounds:

The application contains inadequate detail regarding the number of proposed residents, and their age / care requirements / length of stay, the sound insulation of the building on the party-boundary with 4 Rising Bridge Road, the intended bin storage facilities, and the parking/servicing & access arrangement. In the absence of this information the Council is not satisfied that the proposed use will not result in a form/level of activity that will detract to an unacceptable extent from the essentially open and rural character of the Green Belt and street-scene, from the amenities residential neighbours could reasonably expect to enjoy and from highway safety. The proposal is considered contrary to PPS1 / PPS2 / PPS3 / PPS7 / PPG13, Policies DP1-9 / L1 / RDF1-2 & RDF4 / RT2 & RT4 / EM1 of the Regional

Spatial Strategy and Policies DS3 / E4 / DC1 of the Rossendale District Local Plan.

The proposal was dismissed at appeal on the following grounds:
It is my conclusion...that an unrestricted use within Use Class C2 would have unacceptable consequences for the amenity of neighbouring residents and consequently in its current form the proposal would be contrary to saved Policy DC1 of Rossendale District Local Plan.

2010/0052 Change of Use from Dwelling (Class C3) to a Residential Home (Class C2) for Either a Residential Home for up to 13 Elderly People or up to and Including 6 Children as a Children's Home

The application was refused under delegated authority on the following grounds:

The proposed use of the premises as a Residential Home for up to 6 children would be likely to involve significant numbers of children (both residents and their friends) making regular use of the rear garden area and, taking account of its relative level and its distance from in particular No. 4 Rising Bridge Road, is likely to detract from the amenities this residential neighbour could reasonably expect to enjoy and would thereby conflict with Policy DC1 of the Rossendale District Local Plan.

The application was subsequently allowed on appeal. The decision is appended to this report.

4. PROPOSAL

Recognising that they would not wish to commence implementation of Permission 2010/0052 in accordance with the timescale referred to in Condition 1, the Applicant has submitted the current application seeking a time extension.

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

Section 4 Promoting Sustainable Transport

Section 6 Delivering a Wide Choice of High Quality Homes

Section 7 Requiring Good Design

Section 8 Promoting Healthy Communities

Section 9 Protecting Green Belt Land

Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Regional Spatial Strategy for the NW of England (2008)

Policy DP1-9 Spatial Principles

Policy RDF 2 Green Belts

Policy RT 2 Managing Travel Demand

Policy RT4 Management of the Highway Network

Policy L1 Health, Recreation, Cultural and Education Services Provision

Policy EM 1 Integrated Enhancement and Protection of the Region's Environmental Assets

Rossendale Core Strategy DPD (2011)

AVP 6	Haslingden and Rising Bridge
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale's Housing Requirement
Policy 8	Transport
Policy 9	Accessibility
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

Circular 08/2010 Changes To Planning Regulations For Dwellinghouses And Houses In Multiple Occupation

6. CONSULTATION RESPONSES

LCC (Highways)

Awaiting Comments

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a site notice was posted on 18/01/2013 and 37 letters were sent to neighbours on 09/01/2013.

Eleven objections have been received objecting on the following grounds:

- Traffic
- Lack of parking for staff and residents
- Highway Safety
- Loss of privacy to neighbouring property
- The property has been left and has fallen further into disrepair
- Safety of children in the community
- Increased anti social behavior
- The owner has had three years to implement the permission but has failed to do so

8. ASSESSMENT

The facility for extension of time limits for planning applications was brought into force on the 1 October 2009 (and subsequently extended in 2012) and was introduced in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can be more quickly implemented when economic conditions improve.

It is intended that the LPA's should take a 'positive and constructive approach' towards such applications, as the application for extension, by definition, will have been judged acceptable in principle at an earlier date. Government guidance states that LPA's should "focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of planning permission".

Since Application 2010/0052 the Council's Local Plan has been replaced by the Council's Core Strategy DPD (November 2011) and the National Planning Policy Framework has replaced National Planning Policies and Guidance Notes. However, there has been no fundamental policy change or change in circumstance that would alter the recommendation given by the Inspectorate when allowing application 2010/0052 and that would provide reason to refuse an extension of time, and as such the scheme remains acceptable in

terms of visual amenity, neighbour amenity and highway safety as previously approved by the Planning Inspectorate.

9. SUMMARY REASON FOR APPROVAL

The development by which implementation of Planning Permission 2010/0052 must be commenced is considered appropriate as there has since been no material change in policy or to the development surrounding the site. Subject to the conditions, the proposed development will not unduly detract from visual and neighbour amenity or highway safety. It is considered that the proposal accords with the provisions of the National Planning Policy Framework, Policies DP1-9 / RDF2 / RT2 / RT4 / L1 / EM1 of the Regional Spatial Strategy and the Council's Core Strategy DPD (November 2011).

10. RECOMMENDATION

That Permission be granted, for the reasons in Section 9 and subject to the conditions as attached to the previous permission.

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 Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in strict accordance with planning permission 2010/0052 and its conditions, unless otherwise first agreed in writing by the Local Planning Authority. Reason: For the avoidance of doubt.