

Application Number:	2015/0009	Application Type:	Full
Proposal:	Change of use from a nursery (Use Class D1) and a dwelling (Use Class C3) to a 7 bedroomed children's home and residential school (Use Class C2)	Location:	New Haven Children's Day Nursery - 546 Manchester Road, and 548 Manchester Road, Haslingden, Rossendale
Report of:	Planning Unit Manager		
Report to:	Development Control Committee	Date:	21 July 2015
Applicant:	Mrs Karen Mitchell-Mellor Halliwell Homes	Determination Expiry Date:	13 July 2015
Agent:			

Contact Officer:	Richard Elliott	Telephone:	01706-238639
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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. SITE

The application site comprises a pair of stone and slate semi-detached properties situated on the north side of Manchester Road. No. 546 is a nursery and No. 548 is a house. To its east are two residential properties (No's 550 & 552). To the west is a row of residential

properties running perpendicular to the site (Bent Street). Between No.546 and Bent Street is a car park within separate ownership but which was previously leased to the nursery.

Both of the properties have vehicular access off Manchester Road and the applicant informs that vehicular access to the rear of No. 548 exists off Holme Lane which is adjacent to No. 552. Beyond this is a vehicle chassis parking area for vehicles associated with Solomon Commercials.

The site is located within an area of countryside designated as Green Belt.

2. **RELEVANT PLANNING HISTORY**

- 1990/036 Extension to dwelling for the provision of a nursery for up to 30 children
Approved
- 1992/501 Single storey rear extension – No.548
Approved
- 1993/138 Proposed increase in numbers attending nursery from 30 to 56 comprising A) up to 9 babies B) up to 27 pre-school children C) up to 20 after-school children – No.546
Approved
- 1996/149 First floor rear extension and fire escape – No.546
Approved

Planning application reference 2015/0229 for the “Change of use of dwelling (no.548) and existing nursery (No.546) to form one children’s nursery” has recently been submitted and registered. The application is made by a different applicant. It has yet to be determined and at the time of writing is still in its consultation phase.

3. **PROPOSAL**

The application was initially advertised as “*Change of use from a nursery and a dwelling to a 7 bedroomed children’s home and a nursery. The nursery would use the ground floor of No.546 and the children’s home to its first floor and both floors of No. 548.*”

Following a request for additional information and clarification as to the intended use the description of the development has been amended and further information provided.

Accordingly planning permission is sought for “*Change of use from a nursery (Use Class D1) and a dwelling (Use Class C3) to a 7 bedroomed children’s home and residential school (Use Class C2)*”.

The submission shows parking to the front for two cars for each property and parking to the rear of No.548, accessed from Holme Lane. That parking area is indicated as being for ten vehicles.

There would be ten full time and 6 part time employees. The school would open from 0800 – 1600.

Supporting information has been received. Information regarding the use as contained within the Statement is included verbatim below:

- Newhaven will accommodate both boys and girls who are between the ages of 5 and 12 years when admitted. Newhaven will accommodate up to 7 children at any time.
- The upstairs landing consists of 9 bedrooms, 2 of the bedrooms convert into a therapeutic parent's sleep-in room (therapeutic parents is a term given to staff members). Newhaven will have 2 therapeutic parents sleeping over each night. The home consists of 3 bathrooms and 2 separate toilets. Each child will have their own separate room, which will be furnished to a high standard.
- All placements of children at Newhaven are undertaken in a planned way in consultation with the child, social worker, parents/carers and any significant other. A transition plan will be formulated in conjunction with the child's wishes and feelings.

A Mission Statement in relation to the education to be provided on site is contained within the supporting statement and excerpts are again included verbatim below.

- To provide the best quality of education and care for vulnerable children through a vibrant curriculum which fully prepares pupils for their future economic wellbeing and nurture outstanding personal development.
- At Halliwell we are dedicated to the educational success of young people and to ensure that their education program is tailored to meet their individual needs to enable them to reach their full potential. Educational attendance and success is the underpinning value for positive change in the young person's development which leads to a positive integration into adulthood.
- All our children have an individual, phased programme that is developed to enable the child to access mainstream education as soon as possible after entering one of our DfE registered schools, like most of Halliwell schools; these are small and dedicated to the number of children currently registered to the home. As such Newhaven School will only accommodate up to seven children at any one time. All our teaching staff are qualified or in the process of qualifying for the Foundation Degree Level course in 'Pillars of Parenting'.

4. **POLICY CONTEXT**

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- Section 4 Promoting Sustainable Transport
- Section 7 Requiring Good Design
- Section 8 Promoting Healthy Communities
- Section 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 6 Haslingden
- Policy 1 General Development Locations and Principles
- Policy 4 Affordable and Supported Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 18 Biodiversity and Landscape Conservation
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

5. CONSULTATION RESPONSES

RBC (Strategic Housing)

These comments were provided prior to the submission of additional information:

“There is a raft of guidance supporting the providers of children's home to ensure that vulnerable children receive the best quality of care in the right setting and location. The Children's Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013 introduced the changes to the Children's Homes Regulations 2001 and the Registration Regulations placing a requirement for providers or managers to:

- Ensure that premises used for the purposes of children's home are appropriately and suitably located so that children cared for by the home are:
 - (a) effectively safeguarded; and
 - (b) able to access services to meet the needs identified in their care or placement plans.

As part of the registration regulations providers of new homes are asked to describe the steps taken to ensure that the premises used for the purposes of the home are appropriately and suitably located. Location assessments are needed to address issues around safeguarding concerns and accessibility of local services. Considerations that a potential provider of a new home should take into account, as they carry out a location assessment, will include:

- Whether the location of the home influences the potential for an already vulnerable child to be a victim of crime, such as being targeted for sexual exploitation.
- Whether there is a likelihood of children placed in the home becoming drawn into anti-social behaviour in the local area.
- Whether there are environmental factors that would represent a hazard to children, such as locations near level crossings or busy roads.
- Any positive features in a local community that would offer benefits to children living in a children's home. Evidence about opportunities for children to participate in leisure, sporting or cultural activities, or links with services that could support the child's ethnic or religious identity.

The current application provides no detail or reasoning around the premises being used as a children's home or an assessment of the home and location being appropriately and suitably located so that children cared for by the home are effectively safeguarded as per the legislation. Neither does the application provide consideration of the two types of uses i.e. children's home and day nursery co-existing alongside each other.

As the applicant needs to demonstrate suitability of the location in order to meet registration regulations (which should have been completed prior to this submission) I would ask that a copy of this assessment demonstrating consultation with local services, including MARAC and ASBRAC, and referencing deprivation and crime statistics for the area is produced prior to permission being granted for that part.”

Lancashire Constabulary

With regard to the above planning application, having looked at the information made available there is no evidence to suggest that should planning permission be granted, the care home would become a crime generator. I have no further observations to make that would assist you with this planning application.

LCC (Highways)

I would raise no objection to the proposal and I would raise the following points.

The level of vehicular activity should not be intensified by creating a formal parking area at the rear of the premises with Holme Lane as the access for reasons of highway safety. Holme Lane is a narrow single track unmade lane and the junction with Manchester Road has poor visibility due to on-street parking. The lane appears to be used by the adjacent residents for parking which further restricts its use and suitability.

There is sufficient off street parking to the front of the properties on the existing driveways to meet the current parking standards for a 7 bedroom residential home with a residential school.

There has previously been an approval with a plan showing the parking of 7 vehicles within the front curtilage, however practically 4/5 vehicles could be accommodated.

The parking standards require 1 space per 5 residents for the residential care home and 1 space per classroom / activity area for the residential school (same standard as day school).

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order 35 neighbours were notified of the initial proposal by letter.

Five letters of objection were received as summarised below:

- Loss of residential property when there is a need for family homes
- Increased traffic day and night
- Noise disturbance
- Parking concerns as limited on street parking
- Loss of privacy to neighbour (No.548) which is effectively surrounded by land belonging to the property
- The parking identified to the rear is not currently used and has not been for the past eight years. If it is to be used it will result in additional noise and disturbance and would need lighting that could also have a detrimental impact. The access to it is also likely to need upgrading.
- Affecting peoples quality of life, the right of peaceful enjoyment of possessions and protection of property
- There is a lack of detail and inconsistent information
- Anti-social behaviour will impact upon the local community.
- The proposed plans will have a cumulative effect upon the local residents
- There is no need for a venture of this nature in a residential area and on a major road network, where a child's safety is paramount.
- There are adequate facilities for children's nurseries and schools already well-established in the area.

The LPA undertook a 14 day re-consultation with the amended description of development following receipt of the additional information.

To date three of the previous objectors have maintained their objections to the scheme and one other letter of objection has been received. That letter does not raise any new issues.

The owner/occupiers of 550 Manchester Road have further commented that the additional information sent regarding the application has given them further concern. They comment that there is no mention of increases to the height of fences or gates, but if it does happen it could impinge on our property through loss of light. They state the Safe Area Report

considers it necessary to ensure a high level of supervision of the children in their care, which suggests they may anticipate issues, and that the site isn't fully secure in a number of areas.

No new issues have been raised as a result of the re-consultation responses.

7. **ASSESSMENT**

The main considerations of the application are:

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; and 4) Access/Parking.

Principle

Paragraph 90 of the NPPF states that the re-use of buildings is not inappropriate development in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with purposes of including land within it. I am satisfied that this is the case here.

Although outside of the settlement boundary of Haslingden I am satisfied that the site is in a sustainable location. There are good public transport links and services are close by, including schools within Haslingden and Rawtenstall. The town centres of Haslingden and Rawtenstall are close by.

Policy 4 of the Council's Core Strategy is supportive of supported housing schemes. This is consistent with the NPPF. Section 8 states that "the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities."

The scheme is therefore considered acceptable in principle.

Visual Amenity

No external alterations are proposed. The development would not be detrimental to the visual amenities of the area.

Neighbour Amenity

National planning policy seeks to integrate care and the care of children within the community rather than seeking to isolate them in large institutions. Section 8 of the NPPF states that "*the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.*" However, regard must also be had to the impacts on amenity. Paragraph 17 of the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 69 states that decisions should promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life of community cohesion. Paragraph 121 states that planning decisions should avoid noise from giving rise to significant adverse impact on health and quality of life and should mitigate and reduce to a minimum other adverse impacts arising from noise.

Core Strategy Policy 24 states that amongst other things positive consideration will be given to applications which protect the amenity of the area, including residential amenity in terms of such things as noise.

The comments from the Council's Strategic Housing Manager include a request for the applicant to demonstrate suitability of the proposed location in order to meet the Children's Homes Regulations 2001 and the Registration Regulations. Whilst the comments are

noted, the planning system must not be used to control matters outside of planning legislation, where specific controls provide an alternative means of managing such matters, which in this case include the Children's Homes Regulations 2001 and the Registration Regulations, Care Quality Commission and Ofsted requirements. In any event, the applicant has subsequently supplied officers with a copy of a Safe Area Report undertaken in line with the Children's Homes Regulations 2001 (as amended) and The Care Standards Act 2000 (Registration) (England) Regulations 2010. Having regard to the above, Officers are satisfied that these regulations would provide appropriate controls outside of planning legislation.

In addition, Lancashire Constabulary has informed me that there is no evidence to suggest that the care home would become a crime generator. I would concur with this view.

In terms of noise I do not consider that the use could be said to result in a material increase in noise over that of a dwellinghouse and nursery. The children's home would function in a similar way to a dwelling. It is also a material consideration that the existing house could occupy as a residential home for up to six residents living as a single household and receiving care without the need for planning permission.

In terms of privacy, the property is enclosed by adequate fencing which would afford acceptable privacy levels for neighbours and future occupants of the building.

Having regard to the above, I consider the scheme acceptable in terms of neighbour amenity.

Access / Parking

The Highway Authority has confirmed that there is sufficient parking to the front of the buildings to comply with the Council's parking standards for the use proposed – five spaces.

They also advise that an intensification of parking to the rear using the Holme Lane access would be detrimental to highway safety. To ensure highway safety is maintained I consider it appropriate to condition that off-street parking should take place within the front garden areas only and not in the area identified on the plans to the rear of the buildings. Subject to this the scheme is considered acceptable in terms of highway safety.

8. SUMMARY REASON FOR APPROVAL

The proposed development is considered to be acceptable in principle and, subject to the conditions, is not considered likely to detract unacceptably from visual and neighbour amenity or highway safety. It is therefore considered to accord with Policies AVP6/ 1 / 8 / 9 / 10 / 23 / 24 of the Council's adopted Core Strategy DPD (2011) and the relevant provisions of the National Planning Policy Framework.

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 shall be carried out in accordance with the following documents unless otherwise required by the conditions below:

- Location Plan
- Submitted drawings (as amended)

Reason: For the avoidance of doubt in the interests of the appearance of the locality, in accordance with the requirements of Policies 1, 23 and 24 of the Council's adopted Core Strategy DPD (2011) and the relevant provisions of the National Planning Policy Framework.

3. The premises shall be used as a children's home for a maximum of seven children between the ages of 5-12 years only, and the residential school element of the scheme shall be limited to those children residing in the home. The use hereby permitted shall be used for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: In the interests of neighbour amenity and highway safety in accordance with Policies 1, 8, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

4. Notwithstanding what is shown on the approved drawings, parking shall be limited to the areas of hardstanding to the front of the buildings only. The parking areas shall be kept freely available for use as such at all times.

Reason: In the interests of highway safety in accordance with Policies 1, 8, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

Informatives

1. Standard approval informative