

Committee Report**Date: 09.09.2020**

Item Number	1
Application Number	20/00429/FUL
Proposal	Change of use of existing bungalow into a children's care home and works to building including roof lift, single storey rear link extension and addition of pitched roof to existing garage
Location	29 Coronation Road Thornton Cleveleys Lancashire FY5 1DQ
Applicant	Mr Raj Shah
Correspondence Address	c/o Keystone Design Associates Ltd David Hadwin Development House 261 Church Street Blackpool FY1 3PB
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mr Rob Clewes****1.0 INTRODUCTION**

1.1 This application is presented to this forum at the request of Councillor Fail. The Planning Committee has previously visited this site to assess previous development proposals. Site photos will be available prior to and at the meeting to assist the decision maker's understanding of the proposal and its impact.

1.2 This application is before the Emergency Powers decision maker for a second time. It was initially presented on 22 July 2020, however after that meeting but before a decision had been issued it was found that there had been an administrative error which had resulted in the letters to neighbours not being printed and posted. Neighbours have now been notified. The application is back for reconsideration following the expiry of the consultation period and the report updated to take account of the representations received.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is a residential property located on the southern side of Coronation Road which is within the settlement boundary of Cleveleys. The property is single storey with rooms in the roof space and it has been extended to the rear. The neighbouring properties are also residential and the immediate area is predominantly residential. Approximately 75m to the north is Cleveleys Town Centre and the same distance to the west is the promenade. Fronting the promenade on the corner of Coronation Road is Morvern Care Centre, a nursing home owned by the applicant.

3.0 THE PROPOSAL

3.1 The proposal seek a change of use of the existing dwelling (Class C3) to a residential care home for children (Class C2). The care to be provided is for children aged 10 to 17 who would have been in the care of the local authority. The nature of care is 24-7 care/support and there will be no live in carer. The proposal will create 8 full time jobs and the staff will work on a rota of two staff and one manager at each shift and there will be three shifts each day.

3.2 As part of the development physical works are proposed which include a roof lift, single storey rear link extension and addition of pitched roof to existing garage. The roof lift proposes to increase both the height of the eaves and ridge by 1.5m with the front and rear facing gables to remain. The roof to the garage is to be dual-pitched and will result in a ridge height an additional 1m above the existing roof height. The single storey rear link extension projects the same distance as the existing rear extension and would link both the existing extension and the garage. A shallow mono-pitched roof is to be constructed over the proposed and existing extension.

4.0 RELEVANT PLANNING HISTORY

4.1 19/00902/OUTMAJ - Outline application for the erection of a four storey 44 bedroom nursing home (Use class C2) following demolition of existing dwellings with access, layout and scale applied for (all other matters reserved) (re-submission 18/00643/OUTMAJ). Refused - Appeal Dismissed

4.2 18/00643/OUTMAJ - Outline application for the erection of a 48 bedroom nursing home (Use Class C2) (following the demolition of existing dwellings) with access, layout and scale applied for (all other matters reserved). Refused - Appeal Dismissed

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- SP1 - Development strategy
- SP2 - Sustainable development
- SP8 - Health and well-being
- CDMP1 - Environmental protection
- CDMP2 - Flood risk and surface water management
- CDMP3 - Design
- CDMP6 - Accessibility and transport

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th February 2019. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2019 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 Wyre's Extending Your Home Supplementary Planning Document (SPD) is a material consideration as whilst the application seeks a change of use of the building from Class C3 to Class C2 the proposal also includes extensions adjacent to residential properties, and so it is considered that the guidance in this document is still relevant. The following sections are particularly relevant:

- Design Note 1 General Design Principles
- Design Note 4 Single Storey Rear Extensions
- Design Note 6 Dormers and Roof Extensions

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY HIGHWAYS - No objections subject to cycle storage condition.

6.2 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) - Following further review of the application there are no objections.

7.0 REPRESENTATIONS

7.1 Seventeen representations have been received providing the following comments:

- Use not suitable for the area
- Uncertainty how it will operate
- Increase in anti-social behaviour
- Insufficient parking
- Overdevelopment of the site

- Impact to neighbouring amenity especially the elderly / vulnerable residents at the nearby care home
- Should be a care home for the elderly
- Children will be unsupervised at night as there is no live in carer
- Building will not be looked after
- Area oversaturated with these developments
- Proposed floor plans imply that there could be more bedrooms on ground floor

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Agent contacted to seek clarity on:

- Mitigation within Flood Risk Assessment
- Number of staff and nature of working patterns
- Nature of care provided

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual Impact / Design / Impact on the street scene
- Impact on residential Amenity
- Impact on Highway / Parking
- Flood Risk

Principle of development

9.2 The existing property is a Class C3 dwelling and the proposed use would be a Class C2 care home. The general principle of the proposal is compliant with Policy SP1 and it is considered that as it is a residential use, the proposed use is, in principle, appropriate for this location. Whilst it would operate as a care home it is still classed as residential accommodation as set out in the Use Classes Order, furthermore the scale of the development involving the provision of 4 bedrooms is similar to a residential dwelling. The fact that it is a different use class is acknowledgement that its characteristics are different albeit this is still considered appropriate to a residential area. It has also been confirmed that the proposal will operate completely independently and there will be no link to the adjacent Morvern nursing home, also operated by the applicant, which is an independent separate business, as such the proposal will rely on its own staff and facilities. The property will not have a 'live-in' carer but will operate on a rota basis providing 24/7 care and so there will be staff on site at all times.

9.3 Policy SP8 of the Wyre Local Plan (WLP31) seeks to support development that promotes healthy communities and will promote the health and well-being of local communities. In particular development should help maximise opportunities to improve quality of life and to make it easier for people to lead healthy, active lifestyles. The change of use of the property to a care home for children is considered to provide a home where they can live a safe and active lifestyle and so satisfying Policy SP8.

9.4 The site is also considered to be in a highly accessible location with a range of services, recreational opportunities and public transport on offer close by with

Cleveleys town centre being only 75m away to the north. This highly accessible location strengthens the appropriateness of the location of the proposal as it is expected that the proposed use will require access to such services and facilities. As such it is considered that the proposal complies with Policy SP2 of the WLP31.

Visual Impact / Design / Impact on the street scene

9.5 The proposed physical alterations and extensions would result in a larger building, however it is considered that the resulting increase in height and additional built form are not unacceptable. The adjacent dwellings to the east which are of traditional two storey would remain higher than the altered building. So too would the ridge height of the adjacent bungalow to the west. The proposal will not result in over-development and will sit comfortably within the site. The property will retain the appearance of a dwelling and in turn remain in keeping with the residential nature of Coronation Road. As such the proposal will not have a detrimental impact on the street scene or visual amenity of the area. It is considered to comply with Policy CDMP3 of the WLP31.

Impact on Residential Amenity

9.6 The Council's Environmental Health Officer responsible for Amenity originally raised concerns regarding the development in so far as its impact to neighbouring residential properties. In reading their original response it appeared that the officer was unclear as to the intentions of the proposal. It will not operate as a day centre (Class D1) and the application form clearly indicates that it is to operate within a Class C2 use. As such, clarity was provided to the Environmental Health Officer, who has now issued a revised response which raises no objections to the proposal and removes the request for a noise assessment as well as suggested conditions to limit the use of the outside space. It is acknowledged that as the development will be supported by staff working on a rota of two staff and one manager at each shift with three shifts each day, comings and goings are going to be greater than that which would normally be experienced by a dwelling, and whilst this may have a small adverse impact on residential amenity, it is considered that such noise and disturbance would be minor and not sufficiently harmful to justify refusal. As the use of the property by the occupants will be for residential purposes, with four bedrooms proposed that make it a similar scale to a Class C3 residential dwelling, then this element of the proposal would not result in additional noise from the present C3 use.

9.7 With regard to the impact of the roof lift and extensions of the proposal it is considered that the immediate properties either side will not suffer any detrimental impact to amenity in terms of overbearing, loss of light nor loss of privacy.

9.8 In terms of the neighbour to the east the impact from the increase in height and loss of light will be mainly on the side elevation which does not have any primary windows as such this level of impact is considered acceptable. In terms of loss of privacy there are no first floor windows that provide views into the property or its amenity areas. One roof-light window in the side roof slope is proposed serving a landing which would not result in unacceptable overlooking.

9.9 With regard to the neighbour to the west, again the impact is on the side elevation. This elevation does contain a first floor window which appears to serve a bedroom. However, as this is not a main elevation less weight is given to any resultant impact. It is also acknowledged that the size and mass of the existing building already reduces light to this window, and raising the eaves and ridge by 1.5m will not result in a significant adverse impact. None of the ground floor windows

appear to function as primary windows to habitable rooms but even if they did, for the same reasons as the impact on the first floor window, the impact to these windows is acceptable.

9.10 In terms of loss of privacy there are no first floor windows proposed that provide unacceptable views into this neighbouring property or its amenity spaces. Two roof-light windows in the side roof slope are proposed serving bathrooms which would not result in unacceptable overlooking. The proposed first floor windows would not come closer to neighbouring properties to the north and south than the existing ones and are considered to be sufficiently distanced from the application property in such a way that there will be no increase in impact. As such taking the above into account it is considered that the proposal complies with Policies CDMP1 and CDMP3 of the WLP31 and the 'Extending Your Home' SPD.

Impact on Highway / Parking

9.11 The proposal is to operate as a residential care home and will require staff to ensure the day to day running. The application form indicates that the proposal will require/create eight full time members of staff. It has not been stated whether the eight employees are to all be at the site at one time or whether they will operate on a rota basis, however when taking into account the highly accessible location of the site and the existing off-street parking, which can provide at least three spaces even with the conversion of the existing garage, it is considered that there will be no impact to highway safety or amenity. Lancashire County Highways have been consulted and they have raised no objections to the proposal and considered that it will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They have requested a condition requiring the implementation of the cycle storage shown on plan. This can be achieved via a suitably worded condition. As the proposal would introduce a new commercial operation requiring parking provision and resulting in more vehicles regularly visiting the site then the current situation then it is considered reasonable to require an Electric Vehicle Charging Point (EVCP) to be installed. Subject to this condition the proposal is considered to comply with Policy CDMP6 of the WLP31.

Flood Risk

9.12 The site is located within Flood Zone 2 and as the proposed use is classed as 'more vulnerable' a site specific Flood Risk Assessment (FRA) is required, however there is no requirement to apply the sequential or exceptions test as the proposal is for a change of use.

9.13 The submitted FRA is required to demonstrate the development would be safe for its lifetime, without increasing flood risk elsewhere and where possible reducing flood risk overall. An adequate flood risk assessment has been submitted with the planning application.

Drainage

9.14 With regards to drainage the surface water will drain away as per the existing arrangements to the mains sewer. As the proposed extensions are small in footprint it is considered that they will not materially alter the surface water drainage of the site. The foul drainage will continue to discharge into the mains sewer. As such it is considered that with regards drainage the proposal complies with Policy CDMP2 of the WLP31.

Other Issues

9.15 Contamination - The Council's Environmental Health Officer responsible for contamination has raised no issues/concerns with regards to this proposal.

9.16 In the representations received concerns have been raised over the potential for anti-social behaviour. Public concern about threats to public safety is a material planning consideration. However, these are general concerns that are not objectively justified. Furthermore it is not considered that the scale nor type of use proposed in itself in this residential setting would increase significantly the disturbance or public safety risk caused to nearby residents. This is not therefore considered to be of significant weight in the planning balance that would deem this to be unacceptable development. Children's homes must, in any event, be registered with OFSTED and they are responsible for ensuring that the home is appropriately managed and that suitable care is provided.

9.17 In the representations received it was stated that it should be used for elderly care provision. The proposal is for the alteration and use of the building to a care home for children and has been assessed and conditioned as such. An alternative use of the building outside of a specific children's care home (C2 use) would require further assessment by the Council.

9.18 It has been claimed that this form of development/use has reached saturation point in the local area / Borough and that children are brought in from other areas to receive care. There is no national or local policy that seeks to restrict the numbers of care facilities; and whilst the type / nature of nearby uses can be a material consideration in assessing amenity and public safety issues, as set out in this report these have been considered but are not of significant weight to make the proposal unacceptable in this location.

9.19 Concerns have been raised over the future care of the building. These concerns are not objectively justified, and this is not a material planning consideration and is the responsibility of the owner/occupier of that building and so forms no part of this assessment.

9.20 Concerns have been raised with regard to the proposed floor plans and that the ground floor training rooms could be used as additional bedrooms when taking into account the two bathrooms also proposed on the ground floor. Whilst this concern is understandable the Council is not in possession of any information that would confirm this to be the case. Notwithstanding this it is nevertheless considered appropriate to impose a condition that restricts the number of children living in the care home to no more than 4 at any one time in the interests of amenity as the creation of a larger care home/facility would result in a more intense use that would require further consideration by the Planning Authority.

10.0 CONCLUSION

10.1 The proposed change of use to a residential care home for children is considered acceptable in principle and the use is compatible with the neighbouring residential uses and in a sustainable location. The proposed use is considered to comply with Policies SP1, SP2 and SP8 of the adopted Wyre Local Plan (2011-2031).

10.2 The associated extensions to the property are not considered to result in any adverse impacts to neighbouring amenity nor to the visual amenity of the street

scene. As such they are considered to comply with Policy CDMP3 of the adopted Wyre Local Plan (2011-2031). The resultant use is not considered to resultant in unacceptable noise levels over the existing situation and so satisfies policy CDMP1. All other relevant planning considerations have been assessed as acceptable.

10.3 It is considered that the proposal is acceptable and subsequently recommended for approval subject to conditions.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions.

Recommendation: Permit Conditions: -

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 27.05.2020 including the following plans/documents:

- Site Location Plan - A020/054/S/02
- Proposed Elevations and Site Plan - A020/054/P/02
- Proposed Floor Plans - A020/054/P/03 Rev A
- Proposed Street Scene - A020/054/P/01

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. The development shall be carried out strictly using those materials specified on the approved plans and application form unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. The premises shall be used for a children's care home as described in this application only and 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 and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: The use of the premises for any other purpose would require further consideration by the Local Planning Authority in accordance with Policies CDMP2, CDMP3 and CDMP6 of the adopted Wyre Local Plan (2011-2031).

5. The number of children to be cared for at the premises shall be limited to 4 at any one time.

Reason: To enable the Local Planning Authority to retain a measure of control over the development thereby safeguarding the amenities of the area including neighbouring properties in accordance with Policy CDMP1 of the adopted Wyre Local Plan 2011-31.

6. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) [29 Coronation Road Thornton Cleveleys, July 2020] including the mitigation measures detailed within the FRA. The mitigation measures shall be fully implemented prior to first occupation of the development or subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

7. Details of the location and appearance of cycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, prior to first occupation of any part of the approved development and thereafter maintained and retained.

Reason: In the interests of the appearance of the site and locality, in accordance with policy CDMP3 of the Wyre Local Plan (2011-31).

8. An electric vehicle recharging (EVCP) scheme shall be submitted unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. The approved electric vehicle recharging point shall be provided prior to the first use of the development hereby permitted, and shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).