

Committee Report

Date: 1st December 2021

Item Number	04
Application Number	21/01083/FUL
Proposal	Change of Use from Residential (Class C3) to Children's Care Home (Class C2)
Location	85 Moorland Road Poulton Le Fylde Blackpool FY6 7ER
Applicant	Mr Simon Wright
Correspondence Address	c/o Mr Chris Weetman 1 Reeveswood Eccleston Chorley PR7 5RS
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mrs Andrea Stewart

1.0 INTRODUCTION

1.1 This planning application has been requested to be presented before planning committee at the request of Cllr Henderson. A site visit is recommended to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The site which forms the subject of this application is a large two storey, four bedroom detached dwelling located on the western side of the southern end of Moorland Road adjacent to the junction with Garstang Road West in Poulton. The dwelling is constructed of a mixture of multi brick and white painted render with mock Tudor decorative boarding. Located to the west of the site is the railway embankment and railway line, to the east is residential apartments and dwellings and to the south is the electricity substation beyond which is Poulton Industrial Estate.

3.0 THE PROPOSAL

3.1 This planning application proposes the change of use of the existing dwelling from residential (Use Class C3) to a children's care home (Use Class C2) to accommodate up to four young people from 8 to 18 years of age. The care home would offer planned and emergency placements.

3.2 The supporting statement submitted with the application stipulates that the children's home would employ up to seven staff comprising of four full time and two-part time support staff working on a shift basis to provide 24 hour care, 7 days a week; and a manager based at the site 9am - 5pm Monday to Friday. There will be a minimum of two staff on the site at all times, with support staff working in two shifts to cover the 24-hour period as follows: 8.30am to 10.30pm; and 10.30pm to 8.30am. Individual bedrooms are to be provided for each of the four residents, with a further bedroom made available for staff who would 'sleep in' during the evening shift. During night shift, the other member of staff would be awake.

3.3 The children would be educated externally with journeys to and from the site by private car. Apart from staff comings and goings there would be no need for any additional or unique comings and goings at the site beyond those normally associated with a dwelling house.

3.4 The proposal includes the formation of two additional car parking spaces in the front garden.

4.0 RELEVANT PLANNING HISTORY

4.1 08/00441/FUL - Rear Conservatory - Approved

4.2 90/01672 - Erection of 1no detached dwelling - Approved

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.

- SP1 - Development strategy
- SP2 - Sustainable development
- SP8 - Health and well-being
- CDMP1 – Environmental Protection
- CDMP3 - Design
- CDMP6 - Accessibility and transport

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2021

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 20th July 2021. 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 2021 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

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.1.1 No objections

6.2 CADENT GAS

6.2.1 No objection

6.3 HEALTH AND SAFETY EXECUTIVE (HSE)

6.3.1 No not advise against

6.4 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY)

6.4.1 No objections

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there has been one representation raising an objection. The primary concerns relate to the following points:

- The nature and type of residents in the property
- Concerns to public finances being used for the proposal
- Loss of residential property

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 During processing the planning application there has been contact with the agent to request additional/clarification of details and provide updates on the progress of the application.

9.0 ISSUES

9.1 The main issues to be considered in the determination of this application are:

- Principle of the Development
- Visual Impact, Design and Impact on the street scene
- Impacts upon Residential Amenity
- Impacts upon Highway Safety and Parking

Principle of the Development

9.2 The subject property is an existing residential dwelling (use class C3) and the proposed use would result in a residential care home for young people in need of care (use class C2). The general principle of the proposal is compliant with Policy SP1 of the Wyre Local Plan 2011-2031 (WLP31) which steers new development to within settlement boundaries and it is considered that the proposed use is appropriate for this location within the main urban area of Poulton. In terms of sustainability and accessibility the site is located on a main road with bus stops and direct access to public transport and public footpath connections to the town centre and nearby services. Furthermore the site is in close proximity to both primary and secondary education facilities should these be needed, which strengthens the appropriateness of the location and would ensure the proposal complies with Policy SP2 of the WLP31.

9.3 Policy SP8 of the WLP31 seeks to support development that promotes the health and well-being of local communities and which helps to maximise opportunities to improve quality of life and to make it easier for people in Wyre to lead healthy, active lifestyles. The change of use of the property to a care home for children and young people is considered to provide a home where they could live a safe and active lifestyle and so satisfying Policy SP8.

9.4 The principle of the development complies with Policies SP1, SP2 and SP8 of the WLP31.

Visual Impact, Design and Impact on the street scene

9.5 No external alterations are proposed to the existing building. Two additional car parking spaces are proposed within the front garden, resulting in four car parking spaces to serve the property. The proposed car parking spaces are screened from views from adjacent highways due to a high wall and fence along with some landscaping to the boundary. The proposal would not have a detrimental impact on the visual amenity of the property or area and therefore satisfies policy CDMP3 of the WLP31.

Impacts upon Residential Amenity

9.6 The scale and nature of the development, involving four bedrooms for the children/young people and one room at ground floor for a staff sleepover bedroom would function in a similar manner to that as a residential dwelling. Noise from children/young people playing in the garden would not be significantly different from that which could be generated by a four bedroom household. What makes this proposal different to a family home is the on-site presence and changeover of staff, which would result in additional activity compared to its use as a single dwelling. Staff would work on a rota comprising two shifts per 24 hour period, with changeover times being 8.30am and 10.30pm. Although it is not considered reasonable or enforceable that the staff changeover times can be conditioned, this information gives an indication of how the proposal would reasonably operate. As staff would provide a 1:1 support to the children there would be a maximum of 4 members of staff present through the day along with a manager based at the site 9am -5pm Monday to Friday. At night-time two staff members would be present. The application site does not directly abut another domestic curtilage as it is surrounded by the railway line and roads. The adjacent roads include busy main roads therefore background noise levels are higher. There would be an increase in noise and activity at the site from traffic movement mainly during shift changes but this would only be for short periods of time. The proposed use in this location is not considered to have a significant impact on residential amenity and is not considered sufficiently harmful to justify refusal. No objections have been raised by the council's Environmental Health Officer and no additional mitigation is required in light of the existing boundary treatments providing good levels of screening. As such the proposal would not have a detrimental impact on residential amenity and would comply with Policies CDMP1 and CDMP3 of the WLP31.

Impacts upon Highway Safety and Parking

9.7 The agent has explained that if the maximum number of 4 children are cared for at the site, this would result in 4 staff at the property with an additional manager during daytime. There could also be other visitors to the site during the daytime. At change over time up to six cars could be on site (excluding the daytime manager who would not be on the premises at this point). Four car parking spaces are proposed within the front garden along with two within the integral garage, meaning six parking spaces available in total. Therefore the car parking provision is considered sufficient and there is sufficient manoeuvring space for cars leaving the site in forward gear. Lancashire County Council Highways have raised no objection to the application and state the proposed development will not have any significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. As such the proposal would not have a detrimental impact on highway safety and would comply with Policy CDMP6 of the WLP31. As the proposal would involve the provision of additional parking and coming and goings at the site, then it is reasonable to require an Electric Vehicle Charging Point, as required by policy CDMP6, which can be secured by condition.

Other Matters

9.8 Flood Risk - The application site is not located in an area that is at risk of flooding.

9.9 Ecology and Trees - The application site lies within a SSSI Impact Risk Zone identified by Natural England due to its potential to provide goose and swan functional land. However, this proposal is within a domestic curtilage and is for the change of use of the building with only a small area developed to form two additional car parking spaces. Therefore it does not require further consideration under the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. The proposal would not have a detrimental impact on ecology. No existing onsite or off site trees will be affected by the proposal. As such the proposal would comply with Policy CDMP4 of the WLP31.

9.10 Land Contamination - No issues identified

9.11 High Pressure Gas Pipeline - The application site falls within the Health and Safety Executive (HSE) consultation zone given its proximity to a high pressure gas pipeline located within Moorland Road. Following consultation with the HSE they do not advise against the proposal. Cadent Gas who operate the asset initially provided a holding objection but have since removed this and do not object to the proposal. Given the application is for a change of use with minimal external works it is not considered that there would be any impacts upon the gas pipeline and the proposal would comply with Policy CDMP1 of the WLP31.

9.12 A third party representation has raised concern about the nature and type of residents in the property, for example young offenders, given the close proximity of the site to schools and by being in a built up residential area. The agent has confirmed that no young offenders are proposed to be accommodated on the site, however there would be no way of restricting who can reside in the property by planning condition. Concerns about public safety, anti-social behaviour and safeguarding issues / the welfare of children are a material planning consideration, although there is no specific planning policy or guidance on these matters, for example restricting C2 uses within a certain distance to schools. National Planning Practice Guidance (NPPG) provides general guidance on promoting healthy and safe communities as referred to in section 8 of the NPPF including designing out crime and disorder having regard to Section 17 of the Crime and Disorder Act 1998 (as amended), although in the absence of any specific risks / evidence of risks identified, it is not considered that the proposal would be in conflict with the NPPG. Therefore there are considered insufficient grounds to refuse the application on this basis.

9.13 A third party representation has raised concern about the use of public finance on this project. The application is being made as a private enterprise, but regardless how the applicant is to fund the project and what public funds are being relied upon are not a material planning consideration and so this comment should be afforded no weight.

9.14 A third party representation has raised the concern about the loss of a residential dwelling. Whilst maintaining a healthy housing supply remains a Government priority, there is no policy preventing the loss of a C3 dwelling in this case. The loss of the dwelling does not materially impact on the council's 5 year housing supply.

10.0 CONCLUSION

10.1 The proposed change of use to a residential care home for children / young people is considered acceptable in principle and the use is compatible with the neighbouring residential uses whilst being within a sustainable location. The proposal would not result in detrimental harm to neighbouring residential amenity, and would not result in significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. No material planning considerations have been identified which would outweigh this support. The proposed use is considered to comply with the relevant policies of the WLP31 and the National Planning Policy Framework and is therefore recommended for approval with 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 31.08.2021 including the following plans/documents:

- Site location and site plan drawing 21.032.PL01 received on 31.08.21

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 premises shall be used for a children's residential home (C2 use) 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)

Reason: The use of the premises for any other purpose would require further consideration by the Local Planning Authority in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. 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 CDMP3 of the adopted Wyre Local Plan 2011-31.

5. 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).

6. The development hereby approved shall not be first occupied or brought into use until the parking / turning area shown on the approved plan (Proposed Site Plan Drawing Number 21.032.PL01) has been laid out, surfaced and drained. The parking / turning area shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

Notes: -

1. Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus adjacent to the application site boundary. This may include a legal interest (easements or wayleaves) in

the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588