

Committee Report**Date: 06.07.2022**

Item Number	02
Application Number	22/00339/FUL
Proposal	Change of use of a dwelling (C3) to a children's care home (C2) for the care of a maximum of 2no children (up to the age of 18 years old) with a maximum of 3no staff present at the property at any time
Location	22 Alston Avenue Thornton Cleveleys Lancashire FY5 2NE
Applicant	James Hough
Correspondence Address	c/o Adrian Rose 16 Rhodesia Avenue Halifax HX30PB undefined
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mrs Andrea Stewart**

Site Notice Date: 19.05.22

Press Notice Date: N/A

1.0 INTRODUCTION

1.1 This planning application has been requested to be presented before planning committee at the request of Cllr Andrea Kay. 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 application site is located on the eastern side of Alston Avenue in Thornton Cleveleys. The property is an end terraced house to the southern end of a row of properties. The property has been extended with a conservatory and single storey extension to the rear. There is a detached building in the hard surfaced rear garden used for store/cycle storage. The surrounding area is predominantly residential in character. To the front of the dwelling the front garden is hardstanding and used as parking and there are no restricted parking requirements near the application site on Alston Avenue.

3.0 THE PROPOSAL

3.1 This is planning application is for the change of use of a dwelling (C3) to a children's care home (C2) for the care of a maximum of 2no children (up to the age of 18 years old) with a maximum of 3no staff present at the property at any time. To the

ground floor the property has a lounge, dining room, kitchen, utility and wet room and at first floor there are three bedrooms and a bathroom.

3.2 The supporting statement submitted with the application stipulates that the children's home would employ up to three staff. One overnight carer leaves and another arrives at 8am with the changeover period being 10 minutes and a site manager/carer arrives approximately 9.00-9.30am and then departs approximately 5pm each day. This is the total number of staff changes each day. The support staff work on a shift basis to provide 24 hour care, 7 days a week with a shift pattern of 48/60 hours.

3.3 The property would be the children's sole and main residence normally staying for many years and they have free shared access to living, dining and kitchen facilities. The children would be taken and brought home from school each day. The accommodation does not provide secure accommodation for the children. No external alterations are proposed to the dwelling. Part of a ground floor room would form an office with a computer, desk and chair. Due to the nature of the backgrounds of the children family members rarely will visit the property with any such meetings if they do occur, will take place away from the property. There will be no other regular visits by other professionals.

4.0 RELEVANT PLANNING HISTORY

4.1 08/00881/FUL - Single storey side extension and rear conservatory - 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.

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
- CDMP3 - Design
- CDMP6 - Accessibility and transport

5.2 EMERGING LOCAL PLAN PARTIAL REVIEW

5.2.1 A Publication version of the Wyre Local Plan Partial Review underwent a public consultation between 30 November 2021 and 18 January 2022. The Submission draft Wyre Local Plan Partial Review 2011-2031 (WLPPR31) was approved for submission to the Secretary of State for examination on 15 April 2022 and approved for Development Management purposes. Presently the Submission

draft WLPPR31 forms a material consideration of limited weight in the consideration of planning applications.

5.3 NATIONAL PLANNING POLICY FRAMEWORK 2021

5.3.1 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.

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

6.2.1 No objections

6.3 WBC DRAINAGE ENGINEERS

6.3.1 No objection

7.0 REPRESENTATIONS

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

- Inadequate space for 3 off street car parking spaces and there is already problems with parking in Alston Avenue
- Concerns regarding the behaviour of children and the close proximity of elderly/vulnerable people
- Detrimental impact on highway parking
- Detrimental impact on the mental health and the health and wellbeing of children and residents in the area
- Concern that the children at the home would have been involved in crime and anti-social behaviour
- The proposal is against human right
- Serious impact on the standard of living for nearby residents

- Loss of privacy and overlooking
- Conflict with policy
- The proposal is out of character with the area

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 During processing the planning application there has been ongoing contact with the agent to request the clarification of details and agree extended decision date.

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
- Flooding

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 Thornton Cleveleys. In terms of sustainability and accessibility the site is located in close proximity 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, 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 dwelling (a small length of front wall would be removed to allow for parking). To the front of the property the land is hardstanding and is sufficient size to accommodate 3 cars, this hardstanding is existing and already in use as parking. 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 a three bedrooms property for two children/young people is small scale and 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 three 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 particularly at staff change over times compared to its use as a single dwelling. Staff would work on a rota comprising one shifts per 24/60 hour period, with changeover times being at 8.00am. One overnight carer leaves and another arrives at 8am with the changeover period being over a 10 minute period and a site manager/carers arrives between 9.00-9.30am and then departs approximately 5pm each day. This is the total number of staff changes each day and are undertaken during the peak hours.

9.7 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 without any additional vehicular movements during the evening or at night time. As staff would provide support to the children there would be a maximum of 3 members of staff present through the day including the manager/carers based at the site 9am -5pm. At night-time two staff members would be present.

9.8 The application site is located in a street of more tightly grouped and dense dwellings consisting of mainly terraced properties and the properties directly about other domestic curtilages. 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 of 10 minutes and during normal daytime hours when there would be general activity and background noise associated with other residential properties in the surrounding residential area. The use of the dwelling as a care home for two children would not be significantly different in character to a normal residential property. On balance 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 in terms of noise generation and to the rear of the property there are existing high boundary treatments providing good levels of screening. The Environmental Health Officer has asked for changes made to the glazing units or alternative means of ventilation are made during renovation but the property is not being renovated with the only change to the dwelling being an internal kitchen fire door. Also it is requested any fixed flood lighting should be designed such that it is not intrusive to nearby sensitive premises, however again no external lighting is proposed as part of this application.

9.9 As such although there are a number of objections from nearby residents 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

9.10 If the maximum number of 2 children are cared for at the site, this would result in a maximum of 3 staff at the property at any time. It is not anticipated that there would be any other regular visitors to the site from family or professional staff. As the daily changeover of staff is at 8 am before the carer/manager arrives at between 9 and 9.30am normally the maximum number of staff requiring car parking

would be 3 spaces and this can be provided at the front of the property on the existing hardstanding (a small length of wall would require removal). The car parking standards are maximum standards and some staff may use sustainable forms of transport which is encouraged such as public transport, walk or cycle (there is cycle storage in a building to the rear of the property). Therefore the car parking provision is considered sufficient and Alston Avenue is a residential street with low traffic flows therefore the additional movement of traffic is not detrimental to highway safety. 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 additional coming and goings at the site and alterations related to car parking, then it is reasonable to require an Electric Vehicle Charging Point, as required by policy CDMP6, which can be secured by condition.

Flood Risk

9.11 The application site is located in an area with a risk of flooding (zone 2-medium risk) as shown on the Environment Agency flood maps. An adequate flood risk assessment has been submitted with the planning application and Wyre's drainage engineer has no objections.

Ecology

9.12 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. 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.

Other issues

9.13 Third party representations/neighbours have raised concern about the nature and type of residents in the property, for example children previously involved in crime and anti-social behaviour, given the close proximity of the site to residential properties. 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., 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.

9.14 Wyre Borough Council have recently received a number of applications for children's care homes, some as Certificate of Lawfulness application to determine whether or not planning permission is required. The applications that have been received vary as to how they operate, the number of children and staff, the properties location and amount and times of shift change overs for staff. Each application has

been determine on the individual merits of each case. The latest appeal determination for a children's home after the refusal of planning permission was under application 21/00861/FUL at 13 Fairsnape Drive in Garstang which involved a children's care home with two children and three staff. In this planning application and the appeal was dismissed but the shift changes included change over shifts twice a day and later into the evening than proposed in this application.

10.0 CONCLUSION

10.1 The proposed change of use to a residential care home for children / young people is considered on balance 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 26.04.2022 including the following plans/documents:

- Location plan received on 31.03.22
- Revised site plan received on 30.05.22
- Floorplan drawing received on 31.03.22

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 2 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 parking area as shown on the approved site plan shall be laid out and provided as shown in the approved site plan before first use of the property as a childrens home and not 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).

7. The development hereby permitted shall be carried out in accordance with the conclusions of the approved Flood Risk Assessment (FRA) received on 26.04.22

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.