

**Committee Report****Date: 07.12.2022****Item Number 03****Application Number 22/00872/FUL****Proposal Change of use of a dwelling (C3) to a childrens care home (C2) for the care of a maximum of 4 children (up to the age of 17 years old) with a maximum of 4 staff present at the property at any time****Location Blencathra Cabus Nook Lane Cabus Preston Lancashire PR3 1AA****Applicant Mr Mark Twiname****Correspondence Address c/o Kate Grimshaw  
26 Andrew Lane Bolton BL1 7JQ United Kingdom****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Philip Glennon**

Site Notice Date: 03.10.2022

Press Notice Date: Not required

**1.0 INTRODUCTION**

1.1 This planning application is presented before planning committee at the request of Cllr Collinson. 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 detached, red brick bungalow located on the northern side of Cabus Nook Lane, approximately 50m west of the junction with Preston Lancaster Road in Cabus. The property is set back from the highway on slightly elevated ground and has accommodation within the roof space, a double garage and porch to the rear. The bungalow has 6 bedrooms within the property and benefits from extensive front and rear gardens with off street parking to the side and rear.

2.2 The surrounding rural area comprises of a mix of residential developments of varying styles and design with agricultural buildings located to the east of the site. A Public Right of Way (PROW) (footpath 2-8 FP -1) runs along the south western boundary and the application site is located within the Countryside Area as set out within the Wyre Local Plan 2011-31.

### **3.0 THE PROPOSAL**

- 3.1 The application is for the proposed change of use from residential dwelling (Use Class C3) to children's care home (Use Class C2- Residential institutions) for the care of a maximum of 4 children up to the age of 17 and with a maximum of 4 staff present at any one time.
- 3.2 The supporting statement submitted with the application stipulates that the staff at the children's care home would be looked after by two carers sleeping overnight working on a shift rota basis, 2 on 4 off routine with shifts beginning and ending at 10am with a further manager and carer present during the daytime. No external changes are proposed to accommodate the change of use.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 22/00529/LAWP- Certificate of Lawfulness for proposed change of use from residential dwelling (C3) to children's home (C2) for a maximum of 4 children- Unlawful

### **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  
SP4- Countryside Areas  
SP8- Health and Well being  
CDMP3 - Design  
CDMP4- Environmental assets  
CDMP6- Accessibility and transport  
EP8- Rural Economy

#### **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 6 Building a strong competitive economy

Section 8 Promoting health 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

Section 15 Conserving and enhancing the natural environment

## **6.0 CONSULTATION RESPONSES**

### **6.1 CABUS PARISH COUNCIL**

6.1.1 Object on the basis that the site is in an unsuitable location, impact on neighbouring residents, lack of research of local area, lack of public transport and pedestrian safety.

### **6.2 LANCASHIRE COUNCIL (HIGHWAYS)**

6.2.1 No objections. LCC Highways note that due to the narrow nature of the lane no on-street parking is available but the 6 spaces within the site provides an over provision for what is required. They furthermore note there is no footpath on Cabus Nook Lane but there are verges that can be utilised if cars are passing.

### **6.3 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY)**

6.3.1 No observations received

## **7.0 REPRESENTATIONS**

7.1 At the time of compiling this report there has been 13 letters of objection. The primary concerns relate to the following points which are broken down below into 3 categories:

Impacts upon neighbours

Noise concerns

Anti-social behaviour

Disturbance to elderly residents

Concerns that possible behaviours may require police intervention

Highway concerns  
No footpaths  
Lack of lighting on public road  
Pedestrian safety due to blind bend and national speed limit  
Greater levels of comings and goings

Location  
Lack of facilities nearby for children  
Reliance upon private motor vehicles  
Isolated Location

Other factors  
Lack of facilities for accommodating individuals with a disability.  
A general letter detailing that OFSTED do not require additional care homes of more than 4 bedrooms.

## **8.0 CONTACTS WITH APPLICANT/AGENT**

8.1 The planning agent was provided with an update on the application as requested

## **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 application site is located outside of a defined settlement boundary and is located within a defined area of Countryside as set out within the Wyre Local Plan 2011-31. Therefore, in this case Policy SP4 of the Wyre Local Plan 2011-31 is relevant. Policy SP4 aims to protect the countryside and manage developments within it in a way that supports rural communities and the rural economy while maintaining its essential elements. Part 4 (a) of SP4 supports conversions with the end use following a defined order of priority. Residential use sits at the bottom of the hierarchy and is only supported by SP4 if alternative uses have been reasonably discounted. For this application no such evidence has been submitted by the applicant. Part 4 (b) and (c) of Policy SP4 require the building to be permanent and of substantial construction and capable of conversion without major reconstruction or large construction. In this case the application meets the requirement as only internal changes are proposed to the dwelling house as part of the change of use to a residential institution. As the proposal stays within residential use although changing to a residential institution it would remain similar to the current C3 dwelling and therefore does not conflict with the aims of SP4 as it remains within a form of residential use.

9.3 Furthermore, Policy SP2 is relevant which states that all development within Wyre should be sustainable and contribute to the continuation or creation of sustainable communities in terms of location and accessibility. This is

furthermore a requirement of the NPPF. Uses such as the proposed C2 residential institution are not solely required to be within urban areas but it is considered that C2 uses should nonetheless be located in an area where appropriate levels of services and facilities are within a suitable distance and benefits from acceptable levels of accessibility.

- 9.4 As discussed above, the application site is not located within a defined area of settlement and is located within an area of countryside. The nearest defined rural settlement is Forton- which is towards the south of the site. The nearest main settlement is Garstang and the boundary of this settlement is approximately 1.9 miles from the application site along the A6. The nearest bus service is approximately 300 metres away on the A6 but access to this from Cabus Nook Lane includes walking along an unlit road.
- 9.5 It is considered that the close proximity of a bus stop will allow the development to utilise existing public transport routes to access nearby settlements such as Forton or Garstang. Alongside the bus stop nearby there are a number of local services which include a garage with shop and a chip shop with other services nearby. The application site is furthermore located within an existing cluster of residential properties this therefore means it is not an isolated property within the countryside. It is considered that the proposed development is located within an area with services nearby, public transport links and within an existing residential cluster of properties. Therefore, the proposed development is considered to be in compliance with Policy SP2 of the WLP31 as it is located in an area with public transport, existing residential properties and local services nearby.
- 9.6 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.
- 9.7 Overall, it is considered that the proposal does comply with Policy SP2, SP4 and SP8 of the Wyre Local Plan 2011-31 and is therefore acceptable in principle.

#### Visual Impact, Design and Impact on the street scene

- 9.8 The proposed change of use does not involve alterations or extensions to the building and will have no impact on the appearance of the property or the wider area. Visually the application site will not appear materially different to its current form. 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

- 9.9 The application site is located adjacent to neighbouring residential properties. As there are no external alterations proposed to the existing dwelling there will be no physical impact caused by the proposed change of use such as loss of light or the development being overbearing. It is proposed that the residential institution will operate in a manner which is similar to that of the existing residential dwelling. Within the planning statement, the applicant

states they propose 'a warm and nurturing family style environment for the medium to long-term care of a small number of children..'

- 9.10 The noise from children especially playing outside cannot be seen to be significantly different to that which would be generated by an existing 6-bedroom property. The main difference that makes this proposal different from a family home is the presence and changeover of staff working within the residential institution. This could create additional activity at the site compared to its use as an existing dwelling as staff work on a rota basis so therefore there will be changes in staff and additional comings and goings possible throughout the day. However, it is considered that additional comings and goings will not have a significant or detrimental impact on the local area.
- 9.11 The residential institution has two carers staying the night on a rota basis where they complete two days then have 4 days off with shifts beginning at 10am. Furthermore, during the day there will be an additional carer present and a manager. It is not envisaged that any additional staff other than those stated will be present or visits from anyone else.
- 9.12 The schooling of the children is subject to change as it is said that if children are able to attend school, then will they attend a mainstream school or DfE registered school but due to many children missing out on education they will be home schooled online with one member of staff being an educational mentor.
- 9.13 In conclusion it is envisaged that any increase in noise and activity will not be materially different than the existing C3 dwelling and will occur for short bursts of time. Furthermore, the existing dwelling operating as a C3 use could have a large number of cars coming and going to accommodate those who live within the property along with visitors such as friends or family arriving by car. On balance, it is not considered that the comings and going from the property will be materially different to the existing use. As such there would be no adverse impact to warrant a refusal of planning consent.

#### Impacts upon Highway Safety and Parking

- 9.14 The proposal includes the provision for 6 off-street car parking spaces to be provided within the existing site to accommodate for staff and any visitors to the site. This is not seen to have a detrimental impact upon highway safety as each of these spaces is located on the application site and will use the existing entrance/exit. Lancashire County Highways have raised no objections. As such the proposal would not have a detrimental impact on highway safety and would comply with Policy CDMP6 of the WLP31.

#### Other Matters

- 9.15 Flood Risk and Drainage - The site is not located within an area at risk of flooding. The proposed change of use will utilise the existing drainage of the application site. Therefore, no issues have been identified.
- 9.16 Ecology and Trees - The application site lies within a SSSI Impact Risk Zone identified by Natural England. 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.

- 9.17 Land Contamination - No issues identified
- 9.18 Public Right of Way (PROW) - A Public right of way (footpath 2-8 FP -1) runs along the south western boundary from Cabus Nook Lane crossing the adjacent fields to the north. This PROW falls outside of the application site. The proposed change of use will not require the diversion or stopping up of this PROW and it will not be affected by the proposal.
- 9.19 Third Party Representations - A number of third party representations have raised concerns that a similar C2 Residential Institution at the other end of Cabus Nook Lane has had issues surrounding anti-social behaviour with alleged visits from the police. 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 neighbouring residential properties. 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 to be insufficient grounds to refuse the application on this basis.
- 9.20 Third party representations have also raised concerns about the lack of facilities for accommodating individuals with a disability and that Ofsted do not require additional care homes of more than 4 bedrooms. The application is being made as a private enterprise, should the need be required for disabled facilities/provisions then the necessary internal and external modifications could be made to the property to suit. The concern that Ofsted do not require more than 4 bedrooms would be a matter for the applicant to address in consultation with Ofsted as this would fall outside the realms of the planning process. There are no local or national planning policies which restrict the amount of bedroom provision for Children's care homes.

## **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 suitable 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 25.08.2022 including the following plans/documents:

- Site Location plan
- Proposed Floor Plan
- Proposed Parking Plan
- Additional Plan

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) without prior express planning permission from the local planning authority.

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 a maximum of 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.