

Committee Report**Date: 26.03.23**

Item Number	03
Application Number	22/01244/FUL
Proposal	Change of use of a dwelling (C3) to a childrens home (C2) for up to 1 child aged 8-18, cared for by up to three carers in the daytime and two carers overnight
Location	Fairfield House Snapewood Lane Cabus Preston Lancashire PR3 0JP
Applicant	Kate Anderson
Correspondence Address	Higher Feniscowles Farm Links Lane Blackburn Lancashire BB2 5JL United Kingdom
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Miss Hannah Dodgson**

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 Lady Atkins. 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 dwelling located south of Snapewood Lane, at the junction with Park Lane. The property is located within the Countryside as identified in the Wyre Local Plan (2011-2031) but is approximately 570m north of the key service centre of Garstang, and approximately 730m west of the rural settlement of Cabus. The dwelling has generous living space to the ground floor and three bedrooms including an en suite to the first floor. It has a sizeable garden plus a driveway serving a garage and further off-street parking. The surrounding rural area comprises of a mix of uses including an agricultural unit to the north, a small caravan park to the east and sporadically located dwellings along Park Lane.

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) for the care of one

child between the age of 8-18 and up to three carers in the daytime with two carers overnight.

- 3.2 The supporting statement submitted with the application outlines the intended operation of the care home in terms of staffing. It is proposed that one carer sleeps overnight and one maintains a watching brief. The third carer finishes their day shift and leaves the premises at 23:00. There would be one shift change in any 24 hour period which would occur at 08:00. Administration involved with the crossover is mostly done online so the crossover itself would take 10-15 minutes.
- 3.3 It is intended that the child will attend school during the day and then the evenings/weekends will reflect that of a normal family household i.e. homework, food preparation, activities.
- 3.4 There is parking available at the site which can be used by the staff. No external changes are proposed to accommodate the change of use.

4.0 RELEVANT PLANNING HISTORY

- 4.1 22/00640/FUL - Creation of a new vehicular access to highway and erection of a detached garage/workshop. Permitted.
- 4.2 22/00843/LAWP - Certificate of Lawful Development for a proposed Change of Use from a residential (C3) to a children's home (C3b) for a maximum of three children. Not Lawful.

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

5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (2011-2031)(INCORPORATING PARTIAL UPDATE OF 2022)

5.2.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 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.

5.3 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 health and safe communities
- Section 9 Promoting sustainable transport
- Section 12 Achieving well designed places
- 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 with lack of access to amenities, there is a large agricultural business in close proximity which could prove dangerous to unsupervised children, lack of public transport (no bus stops so reliance on private vehicles), lack of amenities could lead to increase in anti-social behaviour, additional strain on already overstretched resources such as schools and rural police, materially different from a family residence (pattern of occupation, day to day support), pedestrian safety, busy junction with poor visibility, no footpath or streetlights.

6.2 LANCASHIRE COUNCIL (HIGHWAYS)

6.2.1 No objections. The home will be operated in the same way as a typical residential dwelling with similar vehicle movements. There is an overprovision of off-street parking with a large driveway and the movement of cars for the shift change can be accommodated within the site. LCCs 5 year database for Personal Injury Accident was checked on the 15th February 2023 and there have been no reported incidents on Snapewood Lane. There have been three on Park Lane within 100m of the junction but none caused by the access to Fairfield House. This indicates there are no underlying issues which the change of use would exacerbate.

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 5 letters of objection. The primary concerns relate to the following points:

Highway Concerns

- The access is immediately off Snapewood Lane causing blockage of cars arriving and departing
- The end of Snapewood Lane is a blind spot, used by agricultural vehicles, accidents are likely to happen
- There is no lighting or mirrors, no speed limits, no footpaths, a dangerous corner for a children's home
- The gate is not set 5m in causing employees to park on the laneside
- Busy road with commercial and local traffic travelling at great speeds
- Snapewood Lane is used as a cut through, the access is not acceptable, roads not suitable for walkers
- An additional 80+ houses have been passed on Cockerham Road which will increase the traffic further

Location

- A children's home should be placed near bus routes, accessible roads and amenities, there isn't a local park
- Should be moved to an urban site where their needs could be met and where social facilities are closer
- Implications of overloading Wyre's psychiatric support, police, child protection, mental health staff etc
- Areas nearby are under police surveillance, a children's home should not be in this area
- Carers will have to commute and take the children to towns etc

Anti-social Behaviour / Impact on the Community

- The application implies that anti-social behaviours are acceptable, this is concerning next to a caravan site
- 1989 Children's Act asserts that children in care should be placed in their original local authority, they should be close to their family and friends
- Higher emergency call out rates
- Tourism, residents and local businesses will be adversely impacted
- Extra burden to local councils and tax payers, the area is already overstretched
- LCC run their own homes and it seems more practical to increase their capacity which will keep costs to a minimum

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Contact was made with the agent to inform them that the application had been called to planning committee. It was requested that the site plan be amended to show a more accurate red edge and parking spaces, and a statement be provided to address the landowners workshop at the site and how it will operate in conjunction with the home.

8.2 The requested information was forthcoming. The agent also requested that the proposals be changed to care for one child instead of three. The agent stated that they regularly consult with neighbours of the other homes and

asked whether they could submit their neighbour consultations to put minds at rest. This was agreed.

- 8.3 The agent sent a revised statement outlining the care operations for one child and agreed to a revised description. An extension of time was also agreed.

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 an area of Countryside as set out within the Wyre Local Plan (2011-31) (WLP). Therefore, in this case Policy SP4 of the WLP 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, however 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 care home, and it would stay within a residential use. The operations and function of the property would remain similar to the current C3 dwelling and therefore it does not conflict with the aims of SP4.
- 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 also 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. As discussed above, the application site is not located within a defined settlement and is located within an area of countryside. The nearest defined rural settlement is Cabus which is 730m to the east. The nearest main settlement is Garstang and the boundary of this settlement is approximately 570m from the application site. The site is not far from the A6 where bus services are available to Lancaster, Preston, Blackpool etc. However, reaching these bus stops would involve walking down Park Lane which is an unlit road with a narrow footpath. Whilst it would be possible to walk from the site to the settlement of Garstang and to bus stops, the nature of the road suggests that it is likely that private vehicles will be used to reach some services. Nonetheless, the existing use is a C3 dwelling and the level of occupancy of the C2 residential use would be similar to that expected of the existing dwelling, and the comings and goings would be similar to that of a family household i.e. accessing schools, commuting to work. As such, the nature of the intended use is not significantly different to the existing use to warrant refusal of the application on sustainability terms.

There are other dwellings located along Park Lane and Snapewood Lane so the dwelling is not completely isolated in the countryside. It is therefore considered that the proposed development is located within an area with services nearby and some accessible public transport links and is in compliance with Policy SP2 of the WLP.

- 9.4 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 a young person is considered to provide a home where they could live a safe and active lifestyle and so satisfying Policy SP8.
- 9.5 Overall, it is considered that the proposal does comply with Policy SP2, SP4 and SP8 of the Wyre Local Plan 2011-31 particularly due to the fact it would operate in a similar manner to the existing C3 dwelling and reflect the nature of a family home. Therefore it would not amount to unsustainable or inappropriate development and it would be acceptable in principle.

Visual Impact, Design and Impact on the street scene

- 9.6 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 be materially different to its current form. As such the proposal would not have a detrimental impact on the visual amenity of the property or area and therefore satisfies policy CDMP3 of the WLP.

Impacts upon Residential Amenity

- 9.7 The site is not located immediately adjacent to any residential properties. Concerns have been raised in objections regarding the proximity of the site to a caravan park and issues of anti-social behaviour, however the property is located some 130m from the caravan park which is a substantial distance and suggests there would be no additional harm in terms of noise and disruption i.e. from the staff member leaving the site at 23:00. There is an agricultural unit containing a dwelling opposite the site but the nature of farming means that there is already an expected level of disturbance in this location and the children's care home would not exacerbate this. Matters of safety relating to the proximity of the child to agricultural activities are not relevant as children can live in this home with its use as a C3 dwelling.
- 9.8 Further to this, the noise from one child i.e. playing outside cannot be seen to be significantly different to that which would be generated by the existing property that could operate as a family home with no restriction on the number of children living there. The turnover of residence of the individual children may be higher than for a typical home. 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 a dwelling as staff work on a rota basis so there will be changes in staff and additional comings and goings possible throughout the day including from other agencies. However as explained above, there would be no harmful impact to other properties due to separation distances.

- 9.9 Another issue to consider is that approval has recently been granted at the site for a detached garage/workshop and a new access (22/00640/FUL). This is shown on the submitted site plan and it would function separately from the proposed children's home, reinforced by the fact that it would have its own access. The Case Officer noted that due to the minor scale of the workshop, it is not anticipated that any noise generated from it would be heard from the home, and that the landowner is aware of the proposal and the workshop is only for his own use. As such it is not considered that there would be detrimental harm or danger to the child residing in the care home. Aside from this, the property could still function as a C3 dwelling alongside the workshop and it was not deemed during the assessment of application 22/00640/FUL that there would be any harmful impact on residents of the dwelling. As the care home would function in a similar manner, this still applies.
- 9.10 Matters such as anti-social behaviour, public safety, public concern and the welfare of children have been raised in public objections and they 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. The agent has made note of the fact that the child will be supervised at all times and that the police have not been called out to any of their homes in the last 18 months. The agent has also provided consultation letters from neighbours to the home which the child is to be moved from which show a good relationship between the residents. Whilst this cannot be controlled, it does suggest that these matters have been taken into consideration when preparing the application in an attempt to ease concerns of the local community. Whilst this has been acknowledged it is noted that Planning permission would be linked to the land and not the applicant, however, notwithstanding this it is considered that there is insufficient justification to refuse the application on any of these grounds.
- 9.11 Overall it is envisaged that any increase in noise and activity will not be materially different than the existing C3 dwelling and as there are no nearby neighbours, there would be no harmful impact. 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 goings 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

- 9.12 The site plan shows the provision for 7 off-street car parking spaces to be provided within the existing site (including the existing garage) to accommodate for staff and any visitors to the site. Each of these spaces are located within the application site and will use the existing entrance/exit, as such there would be no additional impact to the highway above that of the existing dwelling. Lancashire County Highways have raised no objections, noting that the home will be operated in the same way as a typical residential

dwelling with similar vehicle movements and there is an overprovision of off-street parking with a large driveway and the movement of cars for the shift change can be accommodated within the site. As such the proposal would not have a detrimental impact on highway safety or parking and would comply with Policy CDMP6 of the WLP31.

Other Matters

- 9.13 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.
- 9.14 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.
- 9.15 Cadent Gas Pipeline - There is a cadent gas pipeline within proximity of the site. However as the proposal is only for a change of use that is a similar nature to the existing dwelling and no other alterations, there are no issues or concerns.
- 9.16 Third Party Representations - Matters such as highway safety, location of the site, anti-social behaviour, impact on the community and welfare as raised in representations have been assessed throughout this report and it is concluded that these issues would not warrant refusal of the application, particularly given that the property currently operates as a C3 dwelling and the change of use would not be significantly different. Other matters such as burden on tax payers, existing LCC care homes and the fact that children should be placed in their own local authority rather than moved elsewhere are not material planning considerations.

10.0 CONCLUSION

- 10.1 The proposed change of use to a residential care home for one child is considered acceptable in principle and it is in a suitable location with no immediate neighbours yet not completely isolated from nearby service centres. The proposal would not result in detrimental harm to amenity, and would not have any further impact on highway safety, capacity or amenity in the immediate vicinity of the site. No material planning considerations have been identified which would warrant refusal of the application, given that the existing dwelling can function in a similar manner to the proposed use. The proposal is therefore considered to comply with the relevant policies of the WLP and the National Planning Policy Framework and is 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 06.12.2022 including the following plans/documents:

- Site Location Plan (received 15.03.2023)
- Site Layout Plan ref.ML/SW/6209 (received 15.03.2023)
- Proposed Floor Plans (received 19.01.2023)

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 1 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.