

Committee Report

Date: 5th July 2023

Item Number	02
Application Number	23/00321/FUL
Proposal	Proposed change of use from a dwelling (C3a) to a children's home (C2) for a maximum of two children and three carers, with two sleeping overnight including extension to existing driveway.
Location	2 Dovestone Drive, Poulton-Le-Fylde, Lancashire, FY6 7FT
Applicant	Chris Paraskeva
Correspondence Address	c/o Adrian Rose 16 Rhodesia Avenue Halifax HX3 0PB
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Philip Glennon

Site Notice Date: 26.04.2023

Press Notice Date: N/A

1.0 INTRODUCTION

- 1.1 This planning application is presented before planning committee at the request of Cllr McKay. 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 a detached, two storey dwelling with a gabled feature above the first-floor windows and a front dormer within the roof plane of the integral garage. The dwelling is located on the northern side of Dovestone Drive, close to the junction with Ladybower Lane within a predominantly residential area of Poulton-Le-Fylde.
- 2.2 The application dwelling is constructed of red brick with a tiled roof and benefits from an existing internal garage and parking provisions for two cars on the driveway. The street scene is made up of dwellings of varying design and a mixture of materials.

3.0 THE PROPOSAL

- 3.1 The proposal is for a proposed change of use from residential dwelling (Use Class C3) to a children's home (Use Class C2) for up to two children with a maximum of 2 carers staying overnight on a rota basis.
- 3.2 The planning statement outlines that six carers would operate a shift pattern of 24 hours on, 48 hours off. The overnight staff going off shift would take the children to school in the morning. Staff coming on shift would be collected by previous staff or car share to home, resulting in no more than two vehicles parked on site at any time.

4.0 RELEVANT PLANNING HISTORY

- 4.1 23/00057/LAWP- Certificate of Lawfulness for proposed use of a C3a dwelling as a children's home (C2) for a maximum of three children with a maximum of three carers present at any one time. Not Lawful

5.0 PLANNING POLICY

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

5.1.1 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.

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

- SP1- Development Strategy
- SP2- Sustainable development
- SP8- Health and Well being
- 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 health 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 on the basis that the conditions as specified on the Good Neighbourhood Policy and the Management Plan as attached to the planning portal, are fully adhered to.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there has been one neutral comment received alongside 100 letters of objection which including Ben Wallace MP and both county and ward councillors. A petition was furthermore received objecting to the proposed change of use which was signed by 108 people, some of whom had already objected through letters. The primary concerns within the objections received relate to the following points which are listed below:

- Concerns surrounding possible increase in anti-social behaviour
- Increase in on street parking and traffic within surrounding area
- Highway safety concerns due to proximity of junction to application site
- Commercial Nature of the proposed use
- Increase in noise
- Wouldn't comply with OFSTED Guidance

The Rt Hon Ben Wallace, MP - Objection was focused on the basis that the proposed Care Home would introduce an increase in vehicular movements and parking from the application site in question which would be detrimental to the existing residents. Furthermore, the application would remove a residential property from the borough.

County Cllr Alf Clempson- Objects on the basis it brings a commercial venture into a residential area. Concerns surrounding an increase in parking and vehicle journeys to the property in question.

Ward Cllr L McKay- Objects as it is material change of use, increase in both parking and vehicle journeys alongside safeguarding concerns.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 During processing the planning application there has been ongoing contact with the agent to request access to the site and for the clarification of details, amended plans relating to parking provision.

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 an existing residential dwelling which falls into use class C3 and the proposed change of use would result in a residential care home for children in need of care which falls into 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-Le-Fylde.

9.3 In terms of sustainability and accessibility, the site is located within an existing residential estate which is within close proximity to public transport and nearby community services. The application 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.

9.4 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 children and young people is considered to provide a home where they could live a safe and active lifestyle and so complying with the provisions of Policy SP8. The location within an existing settlement furthermore enables them to integrate with society.

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

Visual Impact, Design and Impact on the street scene

9.6 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 visual amenity in the streetscene. There is an extension proposed to the existing driveway which will see the front of the tarmacked area to the front of the property extended, however, this has minor visual impacts and is reflective of the surrounding area where large driveways are common. 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

9.7 The application site is located within an existing residential estate. The only proposed external change is an expansion of the existing driveway. Whilst this is a physical change it is considered that the expansion to the driveway will not be detrimental to the amenity of any properties within the surrounding area. Furthermore, as there are no extensions to the dwelling there will be no

physical impact caused by the proposed changed of use such as loss of light or the development being overbearing.

- 9.8 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 submitted with the application, the applicant states that the purpose of the children's home is to support the children to build their confidence, help them in developing life skills and prepare them for life when they leave the home to fend for themselves.
- 9.9 The impacts arising from noise from two children especially playing outside is not considered to be seen to be significantly different to that which would be generated by occupants of the existing 5-bedroom residential property. The main difference that makes this proposal different from a family home is the presence and changeover of staff working within the care home. This would 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 throughout the day. However, it is considered that additional comings and goings will not have a significant or detrimental impact on the residential amenity of nearby properties or the wider local area.
- 9.10 The proposed care home will have a maximum of three staff present at any time including a manager. The planning statement outlines that staff would normally work 24-hour shifts with a manager arriving in the morning and leaving in the evening during the working week. The management plans outlines that the staff changes would occur at 9.45am. It is not envisaged that there will be any additional staff, other than the two carers, at any one time along with the manager whilst visits from family members or friends may take place similarly to any other home on the street but in general, they take place away from the proposed care home. It is noted there would be visits from Ofsted to review the care home on an ad hoc basis. These staff changes are not seen to be detrimental to the amenity of surrounding properties and will occur at times where typically people would be coming and going from any ordinary residential dwelling (use class C3). As such, it is not considered that the staff changes and their frequency would be detrimental to the amenity of surrounding properties as these changes could reflect the coming and goings of an ordinary residential property where different visitors or people residing at the property may come or go.
- 9.11 The schooling of the children is subject to the needs of the children with children attending mainstream schooling if possible. The management plan submitted with the application sets out that tuition for the children if it is required can take place outside of the proposed care home from other facilities. This would be the case for any children who cannot attend mainstream school.
- 9.12 In conclusion, it is envisaged that any increase in noise and activity will not be materially different than the existing dwelling. Furthermore, the existing dwelling 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.
- 9.13 Whilst all of the objections and observations from nearby residents are acknowledged 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

- 9.14 The proposal includes the provision for 3no. off-street car parking spaces to be provided following the extension of the existing driveway and following submission of amended plans. It is noted that the existing integral garage would not meet the spacing requirements set out within Appendix B of the WLP and on the plans is classed as an internal room and therefore is not being counted as a parking space for this assessment.
- 9.15 Lancashire County Council (LCC) Highways have been consulted on the application and have raised no objections following the submission of the amended plans which demonstrate the application site will have 3no. off street parking spaces to the front. LCC Highways estimate that the change of use would generate additional vehicle movements with them estimating that a children's home would generate up to 8no vehicle movements (4 arrivals and 4 departures) more a day than a typical residential dwelling based on the information submitted. In this instance taking the children to and from school would not be significantly different than the existing use with the staff and visitors accounting for the 8no additional vehicle moves. LCC Highways have acknowledged that on street parking is common within residential areas and that Dovestone Drive has a speed limit of 20mph and serves up to 31 dwellings.
- 9.16 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.

Other Matters

Flood Risk/ Drainage

- 9.17 The proposed change of use will utilise the existing drainage of the application site and the site is not located within an area at risk of flooding.

Ecology/Trees

- 9.18 There is the small removal of an area of grass to the front. This is not considered to be a significant ecological concern and the application outlines there will be the provision of new landscape planting. No trees will be impacted as a result of the development

Third Party Representations

- 9.19 A number of third-party representations have raised concerns issues surrounding anti-social behaviour or disturbance coming from the proposed change of use alongside concerns regarding nearby ponds and train tracks. Concerns about public safety and anti-social behaviour or 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 Proximity of care home to open water and train tracks- There were concerns raised through objections surrounding the siting of the proposed Children's home in relation to train tracks, open water and safeguarding concerns. These are relevant matters for OFSTED who ensure that all children are registered and in compliance with Care Standards Act 2000, The Care Standards Act 2000 (Registration)(England) Regulations 2010 and The Children's Homes (England) Regulations 2015. These matters therefore have not been considered as a material planning consideration.

9.21 Deeds of the dwelling house- Concerns were raised through third-party representation that the deeds of the dwelling would prevent any use other than a private dwelling. Whether or not the proposed change of use is considered to be in any breach of the deeds would be a legal matter and would not form a material planning consideration.

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 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 27.03.2023 including the following plans/documents:

- Site Location plan
- Layout plan proposed (Received 11.05.2023)
- Block plan proposed. Drawing Number Tqrqm23131123531424 (Received 11.05.2023)
- Location Risk Assessment

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 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 Children's Home hereby approved shall not be first occupied until the parking / turning area(s) shown on the approved Proposed Layout Plan [As submitted on the 11.05.2023] has been laid out, surfaced and drained. The parking / turning areas shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

Reason: To ensure that adequate off-road parking is provided and retained 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).

5. 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).

6. The number of children to be cared for at the premises shall be limited to a maximum of 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.

7. An electric vehicle recharging (EVCP) scheme shall be submitted for the development unless it is demonstrated that such provision of EVCP is not practical or due to other identified site constraints. The change of use shall be used or occupied until the electric vehicle recharging point has been provided for the development, and such electric vehicle recharging point 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).