

Committee Report**Date: 06.09.2023**

Item Number	01
Application Number	23/00516/FUL
Proposal	Change of use from a dwellinghouse (C3) to a care home for 2 young persons in receipt of care (C2) with 2 carers overnight
Location	13 Lancaster Gate Fleetwood Lancashire FY7 8AW
Applicant	Mr Peter Lynch
Correspondence Address	c/o Mr Simon Richardson 107 Lawsons Road Thornton-Cleveleys Lancashire FY5 4PP
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mr Philip Glennon**

Site Notice Date: 28.06.2023

1.0 INTRODUCTION

- 1.1 This planning application is presented before planning committee at the request of Cllr Blair. 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 detached, two storey residential dwelling centrally located on the southern side of Lancaster Gate in Fleetwood. The dwelling is constructed of red brick under a pyramidal tile roof and benefits from off street parking, accommodating three vehicles within the driveway and one within the integral garage to the side. To the rear the dwelling has a large garden which is stepped down on a lower level to the property. There is a mix of mature vegetation and trees along with close boarded timber fencing along the boundaries.
- 2.2 The street scene is residential in character and is made up of similar style properties. The site is not affected by and constraints and is located within the settlement boundary.

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 careers staying overnight on a rota basis.

- 3.2 The planning statement submitted with the application outlines that the care home would operate essentially two shifts for its carers which results in a day shift and night shift. The proposed morning shifts would start between 9.30am to 10am with evening shifts starting between 7.30pm and 8pm. The overnight staff going off shift would take the children to school in the morning. Typically, there will be 2 carers at the proposed care home with it increasing to 3 carers at change over times.
- 3.3 No external changes to the property are proposed. Internally the only change would be at ground floor where the dining room becomes a staff office and the kitchen a kitchen/diner.

4.0 RELEVANT PLANNING HISTORY

- 4.1 None.

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 Fleetwood Town Council

6.1.1 No observations received

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.2.1 No objections

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

6.3.1 No objections

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been 5 letters of support for the proposed change of use received and 76 letters of objection. The primary concerns within the objections received relate to the following points which are summarised and listed below:

- Concerns surrounding possible increase in anti-social behaviour
- Increase in on street parking and traffic within surrounding area
- Commercial Nature of the proposed use
- Increase in noise leading to detrimental effects on surrounding properties
- Questions if driveway could host 3 cars.
- Undue concentration of children homes within the area
- Concerns that the proposed use is not permitted under covenant or legal agreement within the area

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Agent provided an amended planning statement and provided access to the property for a site visit

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 Fleetwood.

- 9.3 In terms of sustainability and accessibility, the site is located within an existing residential street 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. 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 WLP31.

Impacts upon Residential Amenity

- 9.7 The application site is located within an existing residential street with no external physical alterations proposed therefore ensuring no additional impacts on residential amenity through loss of light or overbearing harm. It is proposed that the children's care home will operate in a manner which is similar to that of the existing residential dwelling. Within the supplementary statement submitted with the application, the applicant has outlined that the children will be similar to those of any other residential dwelling. It is set out they will attend school in an ordinary way, go to clubs or social events and extra-curricular activities like any other child of a similar age would.
- 9.8 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 3-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 residential institution. 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 alongside the varying associated vehicle movements. 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.

- 9.9 The proposed care home will have a maximum of two staff present at any time including a manager. The planning statement outlines that staff would be divided into two shifts over the working day with the morning shift beginning between 9.30am and 10am and the evening shift beginning between 7.30pm and 8pm. During each of these staff changeover times the staff changes will be staggered so one staff member leaves and then one staff with this then occurring for the second career with this designed to minimise the impacts of any shift changes. Alongside the two staff members who will be presented there is a manager during the working week who will arrive at 9am and leave at 5pm. This is designed to minimise the number of carers and cars at the application site at any given time.
- 9.10 It is not envisaged that there will be any additional staff, other than the two carers and a manager at any one time. Any 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 or other statutory bodies to review the care home on an ad hoc basis which is typically every month according to the applicant. 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 Supplementary Statement submitted with the application sets out that the children would attend school with no education occurring at the application site. The children furthermore will play out in a manner similar to any other children which will involve them going to clubs, societies etc.
- 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. 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 the provisions of Policies CDMP1 and CDMP3 of the WLP31.

Impacts upon Highway Safety and Parking

- 9.13 The proposal includes the provision for 3 off-street car parking spaces to be provided on the existing driveway to the front of the dwelling which is paved in hardstanding. It is acknowledged on the plans there is an existing garage to be retained however as this fails to comply with the spacing standards for a garage as set out with the Parking Standards contained with Appendix B of the WLP it has not been classed as a usable car parking space for this assessment.
- 9.14 Lancashire County Council (LCC) Highways have been consulted on the application and have raised no objections. LCC Highways have

acknowledged that the site offers 3 off-street car parking spaces and that shifts changes have been staggered to reduce the impact of the movements of vehicle on the driveway and surrounding area. LCC Highways would expect any visitors to park on the existing driveway or on the street which within a residential area is considered usual and acceptable. As the proposed car home will run like a domestic dwelling there is expected to be similar vehicle movements for example which could involve taking children to school or to recreational activities like any other dwelling house. These are not considered to be detrimental to highway safety. As such the proposal would not have a detrimental impact on highway safety and would comply with Policy CDMP6 of the WLP31.

Other Matters

Flood Risk/ Drainage

- 9.15 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 therefore no issues are identified.

Ecology/Trees

- 9.16 It is acknowledged there is a number of trees to the front of the dwelling house. The proposed change of use will not see the removal or any interference with the existing tree's and as such there are no issues identified.

Third Party Representations

- 9.17 A number of third-party representations have raised concerns surrounding anti-social behaviour or disturbance coming from the proposed change of use. 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.
- 9.18 It has further been set out within the relevant objections that there is a covenant or legal agreement within the deeds of the area which prevents the change of use of any of the properties to a business. This is a private rights matter and not a material planning consideration and therefore has not been taken into account in the overall assessment and planning balance.

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 24.05.2023 including the following plans/documents:

- Site Location plan
- Existing and Proposed Floor Plans. Drawing Number Wbc-1225-23-05-001

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 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 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).

6. The development hereby approved shall not be brought into use until the parking / turning area(s) shown on the approved plan (ref WBC-1225-23-05-001) has been laid out, surfaced and drained. The parking / turning area(s) 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).