

**Committee Report****Date: 06.09.2023**

<b>Item Number</b>	<b>02</b>
<b>Application Number</b>	<b>23/00470/FUL</b>
<b>Proposal</b>	<b>Change of use from dwelling (C3) to mother and babies or children's care home (C2), erection of detached timber activities room to the rear (following demolition of existing workshop) and widening of existing access</b>
<b>Location</b>	<b>74 Lancaster Road Garstang Preston Lancashire PR3 1JB</b>
<b>Applicant</b>	<b>Mr Robert Connor</b>
<b>Correspondence Address</b>	<b>c/o Mr David Haworth 4 Aysgarth Drive Darwen BB3 1LB</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Miss Hannah Dodgson****1.0 INTRODUCTION**

- 1.1 This planning application is presented before planning committee at the request of Cllr Alice 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 true bungalow located within the settlement of Garstang. The property is situated east of Lancaster Road, on a corner plot at the junction with Wyre Lane. There is a driveway leading to an attached garage to the north of the site. The existing property contains three bedrooms.
- 2.2 The site benefits from a spacious garden that wraps around the front, side and rear of the dwelling. Within the rear garden is an existing outbuilding that is labelled as a workshop on the submitted floorplans. The garden is well screened by a hedgerow and trees, including one tree covered by a TPO to the south western corner. The immediate surrounding area is primarily residential and there is a bus stop adjacent to the western boundary.

**3.0 THE PROPOSAL**

- 3.1 The application is for the proposed change of use from a dwelling (C3) to a

mother and babies or children's care home (C2), erection of detached timber activities room to the rear (following demolition of existing workshop) and the widening of the existing access.

- 3.2 The supporting statement submitted with the application outlines the intended operation of the care home, for either two children (age 6-18) or two young mothers (aged 16-18) and their babies, who may be supported in the short-term until a more permanent accommodation can be provided. The statement notes that the company, Holywell Children's Services, already operates a number of similar care homes and was granted permission by Preston City Council in 2020 for a residential property to be used as a short stay unit for one children or a mother and baby.
- 3.3 The care home would be staffed 24/7, 365 days a year, and the shift patterns would be 8am-8pm with two members of staff present at all times. A third member of staff may be present during the day if needed, but at night there would be one staff member sleeping and one on waking watch.
- 3.4 The existing workshop at the rear of the dwelling would be removed and replaced with a small timber outbuilding to be used as an activities room. The building would measure 4.3m x 3.6m and would have a flat roof with a height of 2.9m.
- 3.5 To the front, a small section of the existing hedgerow would be removed to allow the access to be widened. The site plan shows parking for 3 vehicles on the hardstanding to the front.

#### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 81/00310/AAA - Toilet and extension to garage. Permitted.
- 4.2 20/00778/FUL - Partial demolition of the existing bungalow and erection of two semi-detached dormer bungalows with associated parking and new shared access. Refused.
- 4.3 21/00267/FUL - Partial demolition of the existing bungalow and erection of one dwelling (C3) with new access and parking. (re-submission of 20/00778/FUL). Refused.

#### **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  
CDMP1 - Environmental Protection  
CDMP3 - Design  
CDMP4 - Environmental assets  
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 healthy 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 GARSTANG TOWN COUNCIL

6.1.1 No objections.

### 6.2 LANCASHIRE COUNCIL (HIGHWAYS)

6.2.1 No objections and are of the opinion that the development will not have a significant impact on highway safety, capacity or amenity. There are bus stops within close vicinity to the site with regular services. The widening of the driveway is acceptable and the applicant is advised to enter into the appropriate legal agreement. The Highway Authority reserves the right to provide the highway works, the applicant is advised to contact the Community Services before works begin. The proposed parking provision is shown as three spaces, it is recommended that this is increased to four for the changeover of staff. The parking can be tandem parking for staff. Condition required for parking to be laid out in accordance with the approved plan.

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

6.3.1 No observations received at the time of compiling this report

### 6.4 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREES)

- 6.4.1 No objections - The proposal would require loss of a small section of maintained boundary hedge and approx. 2 small garden trees. Replacement tree planting should occur within the garden. There is an existing TPO tree on site, however the proposal is outside of adverse influencing distance.

## **7.0 REPRESENTATIONS**

- 7.1 At the time of compiling this report 2 public letters of objection have been received. The primary reason for concern relate to the following (summarised) points:

- Extra noise level
- Blocking off access to other properties by vehicles
- Proximity to bus stop with vehicles parked on the verge
- Conflict between staff and residents
- Undesirable
- Building unfit for purpose/future development plans

- 7.2 An objection has also been received from Cllr Lady Atkins raising concerns that the proposal is inappropriate in terms of its impacts upon residential amenity, it does not state how many mother and babies will be living there, nor does it state how many children will be there if it is a children's care home.

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

- 8.1 Contact was maintained with the applicant throughout regarding progress of the application. Additional details were requested regarding staffing and age of the children.

## **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
- Impacts upon Trees/Hedgerows

### 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 or mothers and babies, both of which fall 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 settlement of Garstang.
- 9.3 Policy SP2 of the WLP31 requires all development to be sustainable and contribute to the continuation of sustainable communities. As the site is within the settlement, within walking distance to a number of amenities and Garstang Town Centre, and adjacent to a bus stop, the site is considered sustainable. It is also located in close proximity of both primary and secondary education facilities. SP2 also requires that proposals demonstrate a response

to climate change. The submitted supporting statement notes that an Electric Vehicle Charging Point (EVCP) will be installed at the site. This is considered an appropriate measure, given the increased need for parking, and can be added as a condition to any permission granted. With this in mind, the proposal is compliant with SP2.

- 9.4 Overall, it is considered that the proposal would not amount to unsustainable or inappropriate development and it would be acceptable in principle in this location.

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

- 9.5 The proposed change of use does involve minimal alterations to the existing dwelling but these will have no impact on the appearance of the property. A small outbuilding to the rear would be replaced with a timber activities room. It would be modest in height and similar in footprint to the existing building. As such there would be no additional visual harm. The removal of a small section of hedgerow and increased parking area would not result in a detrimental impact to the street scene. Visually the application site would not appear significantly different to its current form. As such the proposal satisfies policy CDMP3 of the WLP.

#### Impacts upon Residential Amenity

- 9.6 The application site is within an existing residential street. The main physical alteration would be the replacement of an existing outbuilding with a timber activities room. It would be similar in footprint to the existing and would have a modest height, therefore it would not result in additional harm on the neighbouring property in terms of overshadowing. The windows added to the building would only face towards the application property and into the garden of the site so there would be no additional loss of privacy. The increased access point and minor alterations to doors/windows would not have any further impact on amenity.
- 9.7 The main consideration with regard to residential amenity is the actual change of use itself. Objections have been received which raise concerns over the inappropriateness of the development in terms of residential amenity, noise, conflict, unsuitability of the property etc. The submitted statement outlines that the scale and nature of the use would function on a similar level to a family residential dwelling and that noise from young people i.e. playing in the garden would not be different from that which would be generated by a family unit living at the property, where there would be no restrictions on the number of children living there, and that daily activities would be determined by the routines of school terms and holidays. This suggests that the care home will operate in a manner which is similar to that of the existing residential dwelling.
- 9.8 The statement acknowledges that the main difference between this C2 use and a family home is the presence of on-site staff which would result in additional activity at staff changeover times. However, it then goes on to explain that shifts will be 8am-8pm, which are not unsociable hours, in particular the morning shift changeover is at a time when people would be expected to be leaving the house to go to work or school, so it would not generate significant additional disturbance above the existing background noise. Further to this, the 8pm changeover is not excessively late, and due to the scale of the activity (generally 2 staff members arriving and 2 leaving), it

would not cause unacceptable noise or disruption. It is also expected that there would be occasional visitors during the day, but this would reflect a normal dwelling where people may visit who do not live at the property.

- 9.9 Additional information was sought from the applicant in terms of the intended operation of the care home. The applicant confirmed as follows - the day shift will generally be two members of staff on duty, although a third person may be present if needed. The night shift would have two staff on duty, one as a 'sleep-in' and one as a waking watch. The home manager would visit the house for spot checks and Ofsted inspections would occur on occasion, as is usual practice. Other possible visitors include social workers. Given that the shift changeovers are at appropriate times, and any additional visitors would be during the day, it is considered that there would not be significant or detrimental harm to neighbouring amenity in terms of disruption above what exists in a built up residential area on a main road. 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 comings and goings of an ordinary residential property where different visitors or people residing at the property may come or go.
- 9.10 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. Therefore the change of use would comply with the provisions of Policies CDMP1 and CDMP3 of the WLP31.

#### Impacts upon Highway Safety and Parking

- 9.12 The site plan shows the provision for 3 off-street parking spaces and a sufficient turning area, which would allow vehicles to enter and exit the site in forward gear. 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. LCC Highways have been consulted on the application and are of the opinion that the development would not have a significant impact on highway safety, capacity or amenity. They have commented that there are bus stops within close vicinity to the site with regular services, the widening of the driveway is acceptable and the applicant is advised to enter into the appropriate legal agreement.
- 9.13 Comments have also been made that the proposed parking provision is shown as three spaces, but it is recommended that this is increased to four for the changeover of staff. This would result in the need for additional hardstanding to the front of the dwelling. The LPA are of the opinion that the parking as shown is acceptable, as there is only likely to be more than three cars present for a temporary period at staff changeover times. There is space for one car to temporarily stop on the driveway if needed i.e. for an Ofsted visit. Due to the highly sustainable location, close to Garstang Town Centre and immediately adjacent to a bus stop (reducing car reliance for staff), it is considered that the parking arrangements are acceptable. Further to this, the Highways Authority did not object to the parking as shown, and therefore it is deemed that it would not be detrimental to highway safety in this location. As the proposed care 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. Subject to a condition for the parking area to be laid out prior to commencement of the use, the proposal complies with CDMP6 of the WLP31.

#### Other Matters

- 9.14 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.
- 9.15 Ecology and Trees - The site is bound by a number of trees, including one covered by a TPO, and a hedgerow. To facilitate the improved access, a small section of hedgerow and two small garden trees would be removed. The councils Tree Officer has been consulted on the application and has raised no objections, stating that the proposal is outside of adverse influencing distance of the TPO. Replacement tree planting has been requested within the garden. A condition can be added to any permission granted for a soft landscaping scheme to be submitted. It is also considered appropriate to add a condition for no works to trees or hedgerows to take place during bird nesting season. Subject to these matters, there are no concerns with the proposal in terms of trees or ecology, complying with CDMP4 of the WLP31.
- 9.16 Third Party Representations - Matters relating to amenity, parking/highway impacts have been raised in public comments. The relevant material planning considerations 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. Concerns have also been raised in a Councillor objection that the application does not state the number of residents. The submitted statement outlines that the care home would support either two children (confirmed with the applicant aged 6-18), or two mothers (aged 16-18) and their babies. The property has 3 bedrooms, one of which would be for the sleep-in carer, and the other two for either a child each, or a mother and their baby each. This is considered sufficient.

### **10.0 CONCLUSION**

10.1 The proposed change of use to a residential care home for either two children or two mothers and their babies is considered acceptable in principle in 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 11.05.2023 including the following plans/documents:

- Site Location Plan
- Proposed Plans and Elevations ref.1522/01

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 application form 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 premises shall be used at any one time for either a children's residential care home/ (C2 use) or for a mother and babies residential home (C2 use) only and shall be used for no other purpose at any time (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).

5. The number of residents to be cared for at the premises shall be limited to a maximum of either 2 children (aged 6-18) or two mothers and their babies 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.

6. 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 not occur 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).

7. The development hereby approved shall not be brought into use until the parking / turning area(s) shown on the approved plan [ref.1522/01] 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).

8. No development shall take place until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), planting plans specifications and schedules (including plant size, species and number/ densities) and existing landscaping to be retained.

The landscaping works shall be carried out in accordance with the approved details prior to first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

9. No tree felling, tree works or works to hedgerows shall take place during the

optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting / breeding birds have been shown to be absent.

Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

**Reasons: -**

**Notes: -**

1. The Highway Authority reserves the right to provide any highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. Before any works begin Lancashire County Council should be contacted to ascertain the details of such an agreement and the information to be provided by telephoning 0300 123 6780 or writing to Lancashire Highways Services, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.