

Committee Report**Date: 04.10.2023**

Item Number	01
Application Number	23/00742/FUL
Proposal	Change of use of a dwelling (C3) to a childrens home (C2) for up to 2 children and up to three carers
Location	92 Marine Parade Fleetwood Lancashire FY7 8RD
Applicant	Ms R Tomlinson
Correspondence Address	c/o Mr T Ay 86-90 Paul Street London EC2A 4NE
Recommendation	Permit

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 Thewlis citing concerns in relation to the impacts upon amenity. 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 semi-detached residential dwelling located to the western side of Marine Parade within the defined settlement boundary of Fleetwood. The property contains 3 bedrooms and it has an integrated garage behind a paved driveway. The street is residential in character and is made up of properties that vary in scale and design, including other semi-detached two storey dwellings, bungalows and dormer bungalows. There is a bus stop located in front of the adjoining property. The site is located within Flood Zone 2.

3.0 THE PROPOSAL

- 3.1 The application is for the proposed change of use from a dwelling (C3) to a children's care home (C2), for up to 2 children and 3 carers.
- 3.2 The supporting statement submitted with the application outlines the intended operation of the care home, for children aged 8-17, whereby staff will work on a rota basis. It is anticipated that carers will work 2 days on, 4 days off, starting at 8am on day 1 and ending at 8am on day 3 (48 hour shifts). Staff will sleep overnight and there will be at least 1 staff member present per child.

The maximum number of staff will be 3 and the long shifts are to ensure consistency for children and reduce the number of comings and goings. The statement outlines that there may be additional visitors to the property such as social workers but that these will be pre-arranged visits so ensure that it would not be excessive or affect parking provisions.

- 3.3 No physical alterations are proposed to the dwelling as part of the application to accommodate the change of use.

4.0 RELEVANT PLANNING HISTORY

- 4.1 23/00325/LAWP - Certificate of Lawfulness for proposed use of a dwelling (C3a) as a children's care home (C3b) for a maximum of two children with a maximum of three carers present at any one time - Withdrawn

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
CDMP6 - Accessibility and transport

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023

- 5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 5th September 2023. 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 2023 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

6.0 CONSULTATION RESPONSES

6.1 FLEETWOOD TOWN COUNCIL

6.1.1 No comments received at the time of compiling this report.

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. The site is in a sustainable area and it is expected that not all carers will use a car. There is off street parking for two cars. The driveway does not have a dropped crossing for the full width and it is requested that the vehicle crossing is extended before the change of use is operational. There is on street parking to facilitate safe shift change manoeuvres and any additional vehicles. The wide carriageway means that parking on the footway is not required and allows for safe pedestrian movements.

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

6.3.1 No comments received at the time of compiling this report

7.0 REPRESENTATIONS

7.1 At the time of compiling this report 49 public letters have been received - 2 letters of support, 1 neutral and 46 objections.

The primary reasons for concern relate to the following (summarised) points:

- Area not suitable due to the amount of vulnerable elderly people, safety and wellbeing compromised, stressful for residents, the council has a duty of care to these residents
- A family area would be better, they should be around other children and be able to see family life, there are no facilities for children, boredom may cause misbehaviour
- Previous experiences of children's homes giving fear regarding anti-social behaviour, threat to people, a home on the estate has been removed due to the noise and disruption
- The Howard League for Penal Reform revealed that children's care homes in some parts of England are calling police as many as 200 times a year, children aged 16 to 17 are 15 times more likely to commit crime, BBC shows that children in care are 5 times more likely to offend
- Puts lifestyle and properties of residents in jeopardy, disrupts the ambience, will devalue properties
- Semi-detached property is inappropriate for this use, the dwelling has been empty for over 25 years with no upkeep, this is being done for financial gain
- The road is extremely busy, the 24 hour care provides issues with extra traffic and parking, the new bus route stops right outside the property with no safe area to stop
- Some residents haven't received official notification from planning, the number of notifications received amounts to a handful which is unfair

- Creates a commercial environment, possibility of it expanding or changing to another use if the care home fails
- The local school is at capacity, two more school places will be taken by children who aren't even from the area
- There are already several of these care homes in the area which raises questions as to whether there is need for another
- Council should hold a public meeting to explain themselves and give local residents a time to listen and answer, it wouldn't benefit the community, hard earned taxes are being spent on this
- The houses are very close together and occupants will get little privacy, poor sound proofing
- The property has a fire escape window at the rear that leads directly onto a flat roof which contradicts section 5.2 of Wyre Councils Consultation Draft Children's Home-Guidance for Applicants.

The comments received which neither support nor object to the application (neutral) are summarised as follows:

- As long as the property is supervised correctly there are no concerns on the Larkholme community
- Local residents are scared that the use of the home and it raises concerns that the occupants will be judged
- The local area is suitable for the use and the children in care deserve the correct support
- There is no safer community in town, it is a pleasant place to live and bring up children

The comments supporting the application are summarised as follows:

- The area is a perfect place to bring up children
- The applicant could consider addressing neighbour concerns to alleviate worries
- The community will support this if it happens

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Contact with applicant has been made regarding progress of the application and committee.

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 up to two children 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 settlement of Fleetwood.

- 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 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. As the proposal is for a change of use and no physical alterations are proposed, it would be impractical to request that energy efficiency design measures are incorporated. Whilst there would be increased vehicle movements, no new parking space is proposed and therefore it would be unreasonable to insist that an Electric Vehicle Charging Point be added to the site. On balance, given the sustainable location and nature of the existing/proposed use, it is considered that there would not be significant additional environmental harm and the proposal complies with SP2 on these terms.
- 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. Other relevant material planning considerations are assessed in the following sections.

Visual Impact, Design and Impact on the street scene

- 9.5 The proposed change of use does not involve any external alterations. The property would retain its appearance as a residential dwelling and there would be no impact to the street scene. As such the proposal satisfies policy CDMP3 of the WLP.

Impacts upon Residential Amenity

- 9.6 The subject property is located within an existing residential street. No physical alterations are proposed so there would be no increased overshadowing or overlooking on neighbouring amenity.
- 9.7 The main consideration with regard to residential amenity is the actual change of use itself. Significant objections have been received which raise concerns over the inappropriateness of the development in terms of residential amenity, noise, anti-social behaviour, unsuitability of the property and disruption to an ageing community.
- 9.8 The scale and nature of the use would function on a similar level to a family residential dwelling and 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. Children will be taken to school and will participate in leisure activities like that of a normal C3 residential use. Whilst it is acknowledged that this is an area where many residents are above retirement age, there are no age restrictions on the property i.e. specifically for retirees and therefore it would be unreasonable to refuse the application purely on this basis. A family could move into the property at any time which could, for example, consist of 2 parents and 2-3 children which would reflect the level of occupancy of the children's care home. It would operate in a manner which is similar to that of the existing residential dwelling and the statement notes that

staff members assume a parenting role and ensure children are safe and follow a daily routine which would not impact the community any more than a normal family home with children.

- 9.9 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, the submission outlines that staff would work 48 hour shifts to give consistency to the children and limit comings and goings. This would reduce disruption and vehicular movements. The shift changeover time is expected to be 8am which is not an unsociable hour and is a time where people generally leave their home for work/school. Therefore, staff changes would not generate significant additional disturbance above the existing background noise or above what can be expected from a C3 dwelling. 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. The statement also notes that these would be pre-planned to minimise disruption and parking issues. It is not considered reasonable to propose conditions to control these activities as deviations from this pattern would not result in the dwelling operating in a materially different way to its existing use
- 9.10 Neighbour objections raise concerns over the behaviour of the children and possibility of noise and increased crime. 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. 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 would be unfair to assume the behaviour of the children, and it is not considered that the proposal would be in conflict with the NPPG. Nonetheless, the applicant has attempted to alleviate some concerns by outlining in the statement that 'Pre-admission assessments will be carried out to determine the suitability of all young people seeking placement... part of this assessment will ensure that young people are able to live in a residential home within a community. We will consider factors such as physical or verbal aggression. If it became apparent that young people have a history of causing disturbance a placement will not be offered' and that 'in extreme cases where there is ongoing disruption to other service users, staff members or neighbouring residents, we have the ability to remove residents in as quickly as within 48 hours'. Whilst this cannot be controlled through the application, it gives some reassurance as to how these care homes can operate when conflict does arise.
- 9.11 Further to this, the Local Planning Authority (LPA) have produced draft guidance 'Children's Homes - Guidance for Applicants (version 1.0)', whilst this can be attributed limited weight at this stage given that the document is still in the early consultation stage it does state that semi-detached residential properties are typically suitable for accommodating up to 2 children in care. It also notes that 'it is recognised that many children who require accommodation in a children's home may have suffered trauma or neglect of some kind. This can result in behavioural problems. Whilst such children undoubtedly deserve to live in a pleasant, caring and supported residential environment as part of the community, it is also important that the amenities

of neighbours be appropriately protected' and as such, measures such as sound proofing may be required and prevention of children having access to flat roof's. As the document is not yet adopted, it carries limited weight and measures could not be insisted on or conditioned. In further support of this, a recent appeal decision has been allowed by the Planning Inspector in relation to an appeal decision for a children's care home for up to 4 children (APP/U2370/W/23/3315365) (Planning application number 22/00872/FUL) whereby the Inspector states that the Council 'raised no concerns in relation to the effect on the living conditions of neighbouring properties. I see no reason to disagree with these conclusions' and 'local residents and Councillors have also expressed concerns including anti-social behaviour, fear of crime. Whilst I can understand these concerns, there is no compelling evidence that would lead me to reach a different conclusion".

- 9.12 On this basis, it is considered by Officers that in this instance the childrens care home of this nature is not significantly different to a C3 residential dwelling and would not warrant refusal in terms of amenity impact as they would operate in a similar manner to a family home where there would be no restriction on the number of children and no control over their behaviour. Given that the shift changeovers are limited and 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. As such, it is not considered that the use would be detrimental to the amenity of surrounding properties in terms of noise and disruption 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, and children may live. As any increase in noise and activity would not be materially different than an existing dwelling, the change of use would comply with the provisions of Policies CDMP1 and CDMP3 of the WLP31.

Impacts upon Highway Safety and Parking

- 9.13 The site contains two existing parking spaces and there is provision for on-street parking due to the wide carriageway. LCC Highways have no objections to the proposal and state that the parking is sufficient for staff changeovers, particularly due to the sustainable location meaning some staff/visitors may not travel by car. LCC have requested that the dropped crossing is extended for the full width of the driveway and the applicant enters into the appropriate dropped crossing agreement. This can be added as an informative for the applicant on any permission granted. Concerns have been raised in objections regarding danger from buses stopping outside, however LCC have no concerns and this is no different to the impact on a residential dwelling with a family residing at the property. On this basis, there are no concerns in terms of highway safety or parking and the proposal complies with policy CDMP6.

Other Matters

- 9.14 Flood Risk and Drainage - The site is located within Flood Zone 2. A Flood Risk Assessment has been submitted and as there are no physical alterations and the use will operate in a similar manner to the existing C3 dwelling, there would be no increased risk of flooding. The existing drainage of the application site will be utilised. Therefore, no issues have been identified.

9.15 Third Party Representations - 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 objections relating to matters such as property devaluation, tax payers money, financial gain. These are not material planning considerations that would form part of the assessment for this application. Concerns have also been raised about the commercial nature and whether the use would change again to another business if the care home failed, however this would require a further planning application for consideration. To relieve any further concerns, conditions can be added to any permission granted to restrict the use and limit the number of children cared for at the premises. It has also been noted in some comments that only a handful of residents received notification of the planning application. All properties that adjoin the boundaries of the application site have been sent a notification. On this basis the LPA has fulfilled its statutory obligation.

10.0 CONCLUSION

10.1 The proposed change of use to a residential care home for up to two children is considered acceptable in principle in a sustainable location. The proposal would not result in detrimental harm to neighbouring residential amenity as it would function in a similar manner to the existing C3 dwelling and it 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 27.07.2023 including the following plans/documents:

- Site Location Plan (received 14.08.2023)
- Proposed Floor Plans and Site Plan ref.MPRD92/23/01

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 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.

Reasons: -

Notes: -

1. The future occupants should sign up to the Environment Agency flood warning scheme. Further information can be found on the GOV.UK website at: <https://www.gov.uk/sign-up-for-flood-warnings> .
2. The applicant is requested to enter into an appropriate dropped crossing agreement of the 1980 Highways Act with Lancashire County Council as the Local Highway Authority. The Highway Authority reserves the right to provide the 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.