

Committee Report**Date: 07.02.2024**

Item Number	02
Application Number	23/01040/FUL
Proposal	Change of use from 1 dwelling (Class C3) to a children's care home (Class C2)
Location	35 Dallam Dell Thornton Cleveleys Lancashire FY5 4PX
Applicant	Oasis Care Solutions Ltd
Correspondence Address	c/o Mr Jonathan Abbott-Hull 15 Alpic Drive Blackpool Lancashire FY5 1QB
Recommendation	Refuse

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Miss Lucy Lowcock**

Site Notice Date: 24.11.23

1.0 INTRODUCTION

- 1.1 This application is brought before Planning Committee at the request of Councillor Kevin Higginson. 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 semi-detached, two-storey dwelling situated on the northern side of Dallam Dell, a residential estate in Thornton. The property has a small front garden, a driveway along the side of the house, and a rear garden. There are neighbouring residential properties to the sides and front.
- 2.2 The application site is in Flood Zone 3. It is also in an SSSI impact zone and within 3.5km of Morecambe Bay.

3.0 THE PROPOSAL

- 3.1 The application is for the change of use of a dwelling (C3) to a children's care home (C2). In this case, it is proposed that 2 children would be accommodated at the care home, with staff on a rota, including overnight stays. No external works to the building are proposed.
- 3.2 The submitted supporting statement indicates that on a given day there would be two staff members present in the day (08.00-23.00) with a manager (09.00-17.00), therefore 3 staff in total. The manager would leave at 17.00,

another staff member would arrive at 22.00, and one of the staff members would leave at 23.00.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Application no. 00/00071/FUL
14 dwellings
Approved
- 4.2 Application no. 98/00904/FUL
Erection of 146 detached, semi-detached and terrace houses replacement sports pitches, changing rooms, bowling pavilion and car parking
Approved

5.0 PLANNING POLICY

- 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022) AND BARTON NEIGHBOURHOOD PLAN (2019-2030)

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. The Barton Neighbourhood Plan (2019-2030) was adopted on 30 November 2023 and forms part of the development plan for Wyre, where decisions are made within the Barton Neighbourhood area. 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
- CDMP1 Environmental Protection
- CDMP2 Flood Risk and Surface Water Management
- CDMP3 Design
- CDMP4 Environmental assets
- CDMP6 Accessibility and transport
- HP1 Housing requirement and supply

- 5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 19th December 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:

- Chapter 2. Achieving sustainable development
- Chapter 5. Delivering a sufficient supply of homes
- Chapter 8. Promoting healthy and safe communities
- Chapter 9. Promoting sustainable transport
- Chapter 11. Making effective use of land
- Chapter 12. Achieving well-designed and beautiful places
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and enhancing the natural environment

OTHER MATERIAL CONSIDERATIONS

- 5.3 Wyre Council (2023) Children's Homes - Guidance for Applicants
- 5.4 Written ministerial statement: planning for accommodation for looked after children (23 May 2023)
- 5.5 ADEPT and Environment Agency (2019) Flood risk emergency plans for new development
- 5.6 The National Planning Practice Guidance (NPPG) - Flood risk and coastal change

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE CONSTABULARY

- 6.1.1 No comments received

6.2 LANCASHIRE COUNTY COUNCIL CHILDREN'S SERVICES

- 6.2.1 The proposed home would appear to meet an identified local gap in provision, although this cannot be confirmed confidently, as the type of child the home would care for has not been provided.

6.3 LANCASHIRE COUNTY COUNCIL HIGHWAYS

- 6.3.1 No objections but recommend an additional car space be provided to the front of the dwelling.

6.4 THE ENVIRONMENT AGENCY

- 6.4.1 No objection

6.5 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

- 6.5.1 No objection, but emergency evacuation plan to be submitted for approval.

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

- 6.6.1 No comments received

7.0 REPRESENTATIONS

- 7.1 65 letters of objection received, points raised:
- impact on mental health and quality of life
 - concerns about damage to property
 - noise/disturbance including from staff changeover in the early morning and late evening
 - crime and police presence
 - anti-social behaviour
 - health and safety to residents
 - privacy
 - sunlight
 - devalue property
 - already a children's home in the next street and will allow children to meet up
 - vulnerable elderly residents and where young children play
 - not allowed businesses to advertise on drives
 - will not have consistency of residents or visitors
 - cul-de-sac with very limited parking/traffic access, no pavements, road safety issues, emergency services unable to get to houses due to traffic
 - impact on childminding business
 - how can they confirm there is a need for this home in this area, there is already an overprovision of children's care home places in the area
 - impact on services - school, doctors, dentists
 - impact on private life and work-life balance, potential for targeted harassment as a teacher
 - do not understand why not dismissed at the 'pre-planning' stage
 - conflicts with the need to provide more low-cost housing in the area, loss of housing stock
 - a front boundary would ruin the aesthetic of the cul-de-sac
 - comments on landlord
 - proliferation of children's homes in the north-west compared with other areas of the country
 - adequacy of supervisory arrangements
 - site notice only posted when complaints received and comments on the positioning of the site notice
 - plans do not relate to the site
 - questions on demographics of occupants
 - limited amenities for young people
 - no consideration of impact on character and amenity, soundproofing, CCTV
 - shortage of trained staff
 - an additional parking space to the front of the house would not be in keeping with the area and would reduce natural drainage
 - not like a family dwelling
 - covenants on estate
 - contrary to Wyre Council's Children's Homes guidance for applicants

8.0 CONTACTS WITH APPLICANT/AGENT

- 8.1 Agent submitted supporting information 1/12/23. No further opportunities for amendments/revisions have been provided, as it is not considered that these would make the application acceptable.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual Impact/Design/Impact on the street scene
- Impact on the residential amenity
- Impact on Highway/Parking
- Flood Risk
- Ecology

Principle of development

9.2 The application site is within the urban area, within the settlement boundary. There are no Local Plan designations or allocations on the land to prevent the development. The use of the existing dwelling for such use is not protected and there are no Adopted Local Plan policies that can be used to require the retention of the use of the property as a house. Some neighbours have commented that the previous tenants had to find a new property, however, any matters on home ownership/rental are a private matter between the parties involved. LCC Children's services advise that the proposed home would appear to meet an identified local gap in provision, although this cannot be confirmed confidently, as the type of child the home would care for has not been provided. No Local Plan or NPPF Policy requires a need for the development to be demonstrated with a planning application, therefore the council cannot require the applicant to evidence a need for the children's home. The Written Ministerial Statement (May 2023) says 'the planning system should not be a barrier to providing homes for the most vulnerable children in society'. The change of use of the dwelling to a children's care home is therefore acceptable in this location in principle. However, as brought out above, LCC cannot confidently confirm the proposal would meet a local need and no such information has been provided by the applicant. Without a specific identified need for the proposal to be provided locally, such as for a child to live close to where they call home and to people they know, this does not weigh as a material benefit in support of the proposal against any harm which may be identified. Some neighbours have raised comments about the impact on services (schools, doctors, dentist). There is no substantiated evidence that there would be a greater impact on services from the proposal than the existing residential use, and the Local Plan does not require any contributions towards services for C2 uses.

9.2.1 Policy SP2 of the Adopted Local Plan requires sustainable development. The site is in an accessible location, within the settlement boundary of Thornton. It is therefore suitably accessible and forms sustainable development. Representations raise that there are limited amenities for young people, however, being in the urban area the site is considered to be suitably accessible to services and facilities, and this is the same as for the existing use as a dwelling where children could live. Policy SP2 also requires a response to climate change to be provided. A climate change statement has been provided, but contains limited information. The proposal will make use of an existing building, which has some climate change benefits. A condition can be used to require cycle storage facilities to be agreed and provided, to ensure that staff have the option to use this more sustainable transport option. Overall, this will comply with the climate change requirements of Policy SP2.

Visual Impact/Design/Impact on the street scene

- 9.3 Policy CDMP3 sets out how development should achieve good design. Development is required to make a positive contribution to an attractive townscape having regard to the design of internal roads and footpaths in respect of permeability and connectivity, and car parking. The Council's guidance on children's homes in paragraph 5.7 says 'the increase in car parking in the locality can also affect visual amenity' and 'on this basis, proposals for children's homes will only be supported where there is no impact on...visual amenity'. No external alterations are proposed to the dwelling, so there will not be unacceptable visual impacts on the property or street-scene from these.
- 9.3.1 The residential amenity section of this report below, discusses the carparking requirements associated with the proposal and that the level of activity would require cars to be parked on street in the day. Dallam Dell is a relatively narrow residential street with curved rather than straight roads, with properties with dropped kerbs and grass verges onto the road, no footpaths and not enough space for parking on both sides of the road. It is expected from the associated vehicle numbers that cars would need to be parked on the street in the day. It can be anticipated, that the staff members would look to park on the street closet to the property, which would be Dallam Dell. In this situation, it is considered that having cars regularly parked in the street would be harmful to both visual and highway amenity. The residential area has been designed so that occupants have the opportunity to park their vehicles off the road using off-street parking. This presents a street that is not visually dominated by on-street parking. The regular parking of vehicles in the street would therefore be visually detrimental to this existing street-scene. In addition, although LCC Highways have not objected, they do raise that cars will need to be parked in the street and that this may affect the highway amenity. Given the constrained nature of the road layout, the increased vehicle movements and parking requirements associated with the use could make it difficult for other vehicles or pedestrians to pass, to the inconvenience of neighbouring residents. There are no footpaths on this road, so parked cars would force pedestrians to walk further out in the road. Overall, this would be to the detriment of highway amenity. This is contrary to Policy CDMP3 of the Adopted Local Plan, which requires good design, a positive contribution to an attractive townscape with overall consideration of permeability, connectivity and carparking, and to the general design requirements of the NPPF.
- 9.3.2 LCC Highways have suggested the provision of an additional parking space to the front of the property. This has not been provided and has not been suggested as a solution to the concerns with the application, as this would not fully resolve the need for on-street parking and the potential manoeuvring of cars, including at at unsociable hours.
- 9.3.3 Some representations have mentioned that they have concerns about the installation of front boundary treatments or the provision of a parking space in the front garden, however, these are not proposed.

Impact on the residential amenity

- 9.4 Policy CDMP3 sets out how development should not result in unacceptable adverse impact on the amenity of occupants and surrounding nearby properties. Policy CDMP1 of the Local Plan requires new developments to be

compatible with adjacent existing or proposed uses and would not lead to significant adverse effects on health, amenity, safety and the operation of surrounding uses and for occupants or users of the development with reference to various factors including noise and nuisance. No physical alterations are proposed to the building, so there will not be greater impacts over the existing situation in relation to light or overlooking.

- 9.4.1 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 both an ageing community and where young people play. The dwelling is located in a residential estate with detached and semi-detached properties in close proximity to each other. The road is of a cul-de-sac design, with more restricted opportunities for on-street parking than a straight, wide road. The floor plans show a typical residential layout with four bedrooms in the existing dwelling. The proposed floor-plans show two children's bedrooms, a staff bedroom, and a study/office. The council's environmental protection department have been consulted on the application, but have not commented.
- 9.4.2 The proposal would accommodate 2 children and there would typically be 2 or 3 members of staff on site at any one time to provide the care. The general occupation of the house by two children with 2 or 3 adults present is similar to the existing use as a dwelling, which could be used as a 4-bedroom family home. In relation to the use of the property to be lived in by 2 children, the scale and nature of this in itself 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. For this size of dwelling, with 4 bedrooms, occupation by a family with 2 children could be reasonably likely. Children will be taken to school and will participate in leisure activities like that of a typical C3 residential use. There are no age restrictions on the property i.e. specifically for retirees and therefore it would be unreasonable to raise issues with the proposal based on the age of the occupants. 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 shows that children would follow a daily routine which would not impact the community any more than a normal family home with children. It is considered it would be reasonable to condition the number of children occupying the premises to a maximum of 2. For this number of children and the level of activity being similar to a residential home, as explained above, there would be no requirement in this case for soundproofing to be installed. A condition could be used for boundary fence details to be agreed, to ensure that the rear garden is fully enclosed and to provide a degree of privacy and some acoustic benefit to the use of outdoor spaces, as in any residential situation.
- 9.4.3 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. The submitted example staff rota and supporting statement indicates that on a given day there would be two staff members present in the day (08.00-23.00) with a manager (09.00-17.00), therefore 3 staff in total. The

manager would leave at 17.00, another staff member would arrive at 22.00, and one of the staff members would leave at 23.00. This indicates at night there will be two staff present. The next morning the two staff would themselves changeover with two other persons at 08.00. The submitted supporting statement says that largely the main arrival and departure times for staff would be at 9.30am and 11.00pm, although as staff are on the rota from 08.00 there is some difference with the main arrival time stated. However, it is understood that on a daily basis (weekday) from 08.00 until 23:00, there would be a total of 8 arrivals/departures of staff members. At the weekend this would be reduced to 6 arrivals/departures, as the manager will not be present. This will be alongside other daily activity, such as going shopping or to school. The submitted information also says that 'the home operates with one dedicated vehicle for the property, but with access to other vehicles as necessary'. Occasional visits by social workers or family members are possible.

- 9.4.4 Comings and goings, and visits by friends, family and tradespersons are commonplace in residential settings. There is no control over how often or when these activities take place in a typical residential dwelling. Also, there is nothing to prevent neighbours moving house, so that there may be different people living in the street. However, the potential intensification of such activities on a regular and daily basis, to a point that it would be out of character with the residential area, requires consideration. The council's guidance on children's homes says in paragraph 5.7 'vehicular movements and frequency of access that would result from the intensification of activity in and around the site, particularly in unsociable hours, can be disruptive in a residential setting and impact on residential amenity. On this basis, proposals for children's homes will only be supported where there is no impact on living conditions of existing residents...'. In this case, with the number of staff involved, including a manager, it would be likely that vehicular movements and frequency of access would be greater than experienced at a typical dwelling of this size, as the staff movements are in addition to the daily activity from the dwelling. With each staff member potentially coming to work in their own vehicle, rather than in a family setting where persons can coordinate their journeys or car-share, it is assessed that there is greater potential for parking requirements and comings and goings in the street, over the existing use as a dwelling. It should be noted that the Adopted Local Plan car-parking standards (Appendix B) for a 4 bedroom dwelling are 3 off-street car spaces. Therefore, generally for a dwelling of this size, activity associated with 3 vehicle movements would be expected, rather than that of 4 or 5 vehicles, in addition to the company car. Given the availability of 3 car spaces on the drive and the house would have its own car, this would leave 2 spaces on the drive of the property for staff. Therefore, at the morning changeover 2 cars would need to be parked on the road, and during the day when the manager is present, one car would need to be parked on the road throughout the day. There would also be no mechanism to control the length of the changeovers or to ensure that cars are then moved onto the drive after staff change over. This would be alongside moving vehicles around to allow for other activity from the dwelling, such as journeys to school or recreation or visitors to the dwelling. Based on this, it is considered that the required staff activity would likely 'spill out' onto the surrounding street, with comings and goings outside of the curtilage of the property. Some of this activity would be at unsociable hours, with changeovers at 08.00 and 23:00, including at the weekend. Associated with the staff changeover time, general activity outdoors and in the nearby street would likely include talking and noise from car doors closing and

vehicles starting up/manoeuvring. Dallam Dell is a residential cul-de-sac, therefore high-levels of activity and traffic in the street, particularly at unsociable hours are not expected. In this particular setting, this intensification of activity in the street would be judged to have an unacceptable impact on residential amenity through disturbance. This would be in conflict with Policies CDMP1 and CDMP3 of the Adopted Local plan, and the NPPF, with the collective aim to protect the living conditions of existing residents.

- 9.4.5 Neighbour objections raise concerns over the behaviour of the children and possibility of noise and increased crime, and impacts on mental health and quality of life. Also, comments have been raised by a teacher about impacts on their private life, work-life balance and potential for targeted harassment. 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). Whilst these concerns can be viewed as a material consideration, in this case there is no substantiated evidence that the proposal would give rise to anti-social behaviour or unacceptable harm to the existing occupants quality of life, given that the number of children residing at the property would be no greater than typical in a family home and would be in an environment with adult care and supervision. Additionally, Lancashire Constabulary have been consulted on the application and not provided any comments. It is also a matter that is subject to separate legislation and regulation. It is not therefore considered that there would be an unacceptable anti-social behaviour impact to prevent the use at this site. Based on this it is also not appropriate to require the provision of CCTV in this case. No external lighting is proposed and it is not anticipated that this should be required over that found at a dwelling. There will be no flat roofs available to be accessed.
- 9.4.6 The Council's guidance for applicants, includes that a principal objective is to 'prevent an undue concentration of specialist uses in any particular area of the borough in order to safeguard the local character and amenity'. Some representations raise concerns with a cumulative impact of children's homes and that children can meet up with those from other homes. There are no records of other planning permissions or Lawful Development Certificates for C2 uses in Dallam Dell. There is record of planning permission for a C2 use for 2 children on the adjoining street, Gamble Road. The distance of the site from other C2 uses is sufficient for there not to be a cumulative impact in relation to any of the material considerations assessed. Comments have also been raised about general provision of children's homes in the North West, however, this is not a matter for consideration under this planning application.

Impact on Highway/Parking

- 9.5 No access alterations are proposed, only the change of use of the dwelling. Lancashire County Council Highways have been consulted on the application and have no objections and are of the opinion that the proposal will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They state that the proposal would generate up to 4 vehicle movements and that this is more than a typical residential dwelling, but would represent a small percentage increase in vehicle movements in Dallam Dell.

From this professional highways advice, it can be concluded that there would not be unacceptable highway safety or traffic impacts from the proposal. However, LCC Highways go on to advise that the property has a narrow driveway, which may not allow for larger vehicles to fully open their doors to allow the driver to enter and exit. Also, there is a twice daily occurrence of temporary parking on Dallam Dell on shift changeover and cars require moving around which may affect highway amenity. They recommend that an additional off street car parking space be provided on the frontage to 'allow for an easier and efficient shift change with regards to car movements on the estate road'. LCC Highways also comment that a new vehicular access would need separate highways consent. The provision of an additional parking area and access onto the road has not been applied for. Although, there is not assessed to be overall highway safety harm from the proposal, the highway amenity impact of the potential for additional cars parked outside the curtilage of the dwelling and on the street, are considered above under the visual amenity section. Representations have been received about access for emergency services being impeded. As there are no objections from LCC highways on highway safety or access, it is not considered that this would be the case.

Flood Risk

- 9.6 The application site is in Flood Zone 3. The Environment Agency have been consulted on the application and have no objections. The submitted Flood Risk Assessment can be conditioned to be implemented. The Council's drainage engineer has no objections in principle, but does ask for an emergency evacuation plan. The Environment Agency although not commenting on the flood emergency response, direct that the PPG states 'that in determining whether a development is safe, the ability of residents and users to safely access and exit the building during a design flood and to evacuate before an extreme flood needs to be considered'. The NPPF in paragraph 173 includes that development should only be allowed in areas at risk of flooding where it can be demonstrated that 'e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan'. The NPPF does not set out when an emergency plan is required, but the NPPG guides that 'an emergency plan will be needed wherever emergency flood response is an important component of making a development safe. Emergency plans will be essential for any site with transient occupancy (e.g. hostels and hotels)'. A dwelling and a residential institution are both classed as 'more vulnerable' in Annex 3: Flood risk vulnerability classification. Therefore, the proposal will not be for a more vulnerable use than that existing. However, the nature of the use will involve more transient occupancy, with different staff occupying the property on a rota and who may be less aware of the flood risk of the site, than a permanent occupant. It is therefore considered that an emergency plan is required with the development, as advised by the council's drainage engineer. This should include a consideration of the number of people that would require evacuation from the area potentially at risk, and the adequacy of both evacuation routes and identified places that people from evacuated places are taken to. It is not considered appropriate to reserve the provision of this information to a condition, as it is part of the required assessment of compliance with paragraph 173 of the NPPF on whether development should be allowed in an area at risk of flooding. ADEPT/Environment Agency guidance says 'it will very rarely be appropriate to use a planning condition to defer the provision of an EP to a later date, because it may show that the development cannot be

made safe and therefore call into question whether the development is acceptable in principle'. As an emergency plan has not been provided with the application, there is inadequate information to fully assess the flooding impacts on the occupants of the proposal, contrary to paragraph 173 of the NPPF and Policy CDMP2 of the Adopted Local Plan that the development is demonstrated to not be at an unacceptable risk of flooding.

- 9.6.1 Sequential/exception tests are not required because the proposal is for a change of use and so is exempt from this requirement in accordance with the NPPF.
- 9.6.2 The existing drainage system (foul and surface water) serving the dwelling can be used, therefore there is no requirement for any drainage information to be provided. No other physical works are proposed to the building or in its curtilage, therefore, there are no additional drainage concerns.

Ecology

- 9.7 The site is in an SSSI impact zone. For this type of development in this location there is no requirement to consult Natural England and there are no concerns with significant impacts on protected habitats. The site is also within 3.5km of Morecambe Bay. Policy CDMP4 of the Local Plan requires that residential developments in such locations should provide a home owners pack for future home owners highlighting the sensitivity of Morecambe Bay to recreational disturbance. The property is already in use as a dwelling, however, the proposed use may lead to different persons occupying the property with staff changeovers, therefore, such a pack will be beneficial so that they are aware of this sensitive habitat. A condition can be used for this information to be provided.

Other Issues

- 9.8 Neighbour representations have been raised about a negative impact on property prices. This is not a material planning consideration.
- 9.9 Neighbour comments have been raised about the timing of the site notice being posted and its position in relation to neighbouring houses. The site notice has been posted in an appropriate location on a lamppost on the opposite side of the road to the dwelling. This was carried out within an appropriate timeframe from the validation of the application, and the statutory period for comments has been provided. This meets the statutory requirements for the publicity of a planning application as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 9.10 Neighbour comments have been raised about covenants and that businesses cannot advertise on the drives. Any covenants on land are separate legal matters from the planning system. No advertisements have been proposed, however, an informative could be added to any permission granted about advertisement consent.
- 9.11 A neighbour has objected about impacts on their childminding business. This is a residential area, and therefore the above assessment including on amenity is considered to have addressed all matters appropriately that would be relevant to a business as well. Perceived impacts to the popularity of a

business cannot be adequately evidenced to justify refusal of the application on this basis.

- 9.12 Some comments have been received in representations about how the use would be managed and operated, including on a shortage of trained staff, and supervisory arrangements. It is not appropriate for the management approaches for children's care homes to be assessed through a planning application, but this is subject to separate regulation, such as through OFSTED.

10.0 CONCLUSION

- 10.1 The proposal would provide a home where children could be cared for. This is afforded support in the NPPF and the Written Ministerial Statement, and it is noted that there appears to be a shortage of children's homes across the country. However, there is limited detail with this application on the local requirement for this children's home, and the proposal is of small scale, therefore this benefit is afforded limited weight. The lack of harm to highway safety is neutral in this planning balance. The proposal would however conflict with the Adopted Local Plan and NPPF in relation to residential, visual and highway amenity in this setting of residential properties in a cul-de-sac in close proximity to each other, by reason of the staff movements in association with the use, with increased activity and parking of vehicles outside the curtilage of the property and in the wider street of Dallam Dell. The application has the potential to disperse vehicle parking associated with the use into the wider residential area, which is not designed for on-street parking. This has been assessed to be contrary to Policies CDMP1 and CDMP3 of the Adopted Local Plan, and the NPPF. The benefit of the proposal would not outweigh this conflict.

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 Refuse

Recommendation: Refuse

1. The proposed change of use would result in an intensification of activity at the site, having regard in particular to the frequency and pattern of visits by staff, and an increased demand for on-street parking. The intensification of staff movements to/from the property on a regular and frequent basis, including at unsociable times, would result in an unacceptable impact on neighbouring amenity from noise and disturbance. The intensification of vehicles associated with the development and the inadequate parking at the site would result in increased on-street parking. In this cul-de-sac setting, this would have an unacceptable impact on the visual amenity of the street, with cars parked in the street rather than off-street, which is characteristic of this road. Also, there

would be unacceptable harm to the highway amenity of the street, with the potential for restricting vehicle and pedestrian movements. This is contrary to the NPPF and Policy CDMP3 of the Adopted Wyre Local Plan.

2. The proposal does not provide details of safe access and escape routes as part of an emergency plan for the development in relation to flooding. This would present the potential for an unacceptable risk of flooding to the harm of people. This would be contrary to Section 14 of the NPPF and the National Planning Policy Guidance 'Flood Risk and Coastal Change', and Policy CDMP2 of the Adopted Wyre Local Plan.