

Committee Report**Date: 01.05.2024**

Item Number	01
Application Number	24/00155/FUL
Proposal	Change of use from residential dwelling (Class C3) to children's care home (Class C2) and provision of carparking with access to the rear
Location	16 Station Road Poulton-Le-Fylde Lancashire FY6 7HU
Applicant	Mr J Wood
Correspondence Address	c/o Mr Jonathan Abbott-Hull 15 Alpic Drive Blackpool Lancashire FY5 1QB
Recommendation	Permit

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

Site Notice Date: 8.3.24

1.0 INTRODUCTION

- 1.1 This application is brought before Planning Committee at the request of Councillor Le Marinel citing concerns in relation to the impacts upon residential amenity. A site visit is recommended to enable members to understand the site context beyond the plans submitted.

2.0 SITE DESCRIPTION AND LOCATION

- 2.1 The application property is a mid-terrace, two-storey house situated on the eastern side of Station Road in Poulton. The subject dwelling is within the urban area within the settlement boundary and is also sited within Flood Zone 1. It is also in an SSSI impact zone and within 3.5km of Morecambe Bay.
- 2.2 The property has a small front garden with pedestrian access onto Station Road. There is an enclosed rear garden which adjoins a rear access to the properties. The neighbouring property has parking to the rear with access onto the rear access road.

3.0 THE PROPOSAL

- 3.1 This application is for the change of use of the dwelling (C3) to a children's care home (C2). The supporting information sets out that the care home would accommodate 2 children, with care staff on a rota. Also proposed is the provision of a parking area in the rear garden for two cars with access onto the rear access road.

4.0 RELEVANT PLANNING HISTORY

- 4.1 App. No: 15/00206/FUL - Erection of a detached garage at the rear of the property (resubmission 14/00581/FUL)- 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
- CDMP3 Design
- CDMP6 Accessibility and transport
- HP1 Housing land 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

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)

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 Not confident that this home would be used for local children

6.3 LANCASHIRE COUNTY COUNCIL HIGHWAYS

- 6.3.1 No objections

6.4 WBC ASSISTANT DIRECTOR OF PUBLIC PROTECTION (ENVIRONMENTAL PROTECTION - AMENITY)

- 6.4.1 No objections.

7.0 REPRESENTATIONS

- 7.1 13 letters of objection have been received at the time of compiling this report. The primary reasons for opposition are summarised below:

- noise and disturbance
- not safe or suitable for children with busy road
- health concerns
- inadequate parking and manoeuvring space
- loss of garden space
- access maintenance
- inaccuracies in the marketing statement
- loss of privacy with instalment of CCTV
- safety risks
- already two children's care homes nearby
- the council should consider permit parking and resurfacing of Fylde Road
- traffic generation and highway safety

8.0 CONTACTS WITH APPLICANT/AGENT

- 8.1 11/3/24 Submitted revised management information and rota details

9.0 ISSUES

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- 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 safety/parking

Principle of Development

- 9.2 The application site is within the settlement boundary of Poulton. There are no Local Plan designations or allocations on the land to prevent the development, and Policy SP1 of the Local Plan directs development to within settlement boundaries. New development is required to be of an appropriate type and scale to the character of the settlement in the hierarchy. Impacts on character are assessed below under the visual impact and residential amenity sections of this report. Poulton is identified as an urban town under Policy SP1. Lancashire County Council (LCC) Children's services been consulted on the application. They provide general comments on the provision of Children's homes in Lancashire. They state, 'Wyre has experienced a growth in the number of Ofsted registered care homes over the last 18 months, from 22 in September 2022 to 34 in January 2024, and now has numbers close to that in neighbouring Blackpool'. Also, they confirm that 'there are two Ofsted registered children's homes within a mile of the proposed home on Station Road (0.4 miles and 0.7 miles away by road)'. Based on the history of the care provider 'Connect Care Solutions' LCC are not confident that the home would be used for local children. Based on this advice, there is no clear indication that the proposal would meet an identified local need, such as for a child to live close to where they call home and to people they know. Without a specific identified need for the proposal to be provided locally, this holds limited weight as a material benefit in support of the proposal against any harm which may be identified. However, 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. An assessment of the cumulative impact of children's homes is discussed below.
- 9.2.1 The Local Plan does not require any contributions towards services for C2 uses.
- 9.2.2 Policy SP2 of the Adopted Local Plan requires sustainable development. The site is in an accessible location, within the settlement boundary and urban area of Poulton. As mentioned above, Policy SP1 identifies Poulton as an urban town. The site is on an A road, there are nearby bus stops with services, a train station in the town and a range of amenities, including primary schools and a high school. The site is therefore suitably accessible for the type and scale of development proposed and forms sustainable development.
- 9.2.3 Policy SP2 also requires a response to climate change to be provided. A climate change statement has been provided and contains limited information, however, 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. An electric vehicle charge point scheme will be required, as there will be increased parking over the existing situation, which is in accordance with Policy CDMP6. 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. 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 physical works are proposed to the house itself, therefore these will not have any visual amenity impacts. Carparking is proposed to be provided in the rear garden with an access. Being well confined to the rear of the house it is not considered that this will be visually detrimental to the wider street-scene. A similar arrangement is provided at the neighbouring property, so the proposal will be in keeping with this. The residential amenity section of this report below, discusses the carparking requirements associated with the proposal and any related visual impacts of this.

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. There will not be any overlooking or loss of light impacts from the development over the existing situation in use as a dwelling.
- 9.4.1 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 noise, and unsuitability of the property, and concerns of health impacts. The dwelling is located in a residential area with houses in close proximity to each other. The floor plans show the existing dwelling to have a typical residential layout with four bedrooms. The proposed floor plans show the same layout but with one of the bedrooms used for staff and two for the children, one bedroom used for a manager's office and the current study as a staff office. The council's environmental health officer does not anticipate any significant adverse impact from the development.
- 9.4.2 The proposal would accommodate 2 children and there would typically be 3 members of staff on site at any one time to provide the care and management. 2 carers would be present at night. The general occupation of the house by 2 children with 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 1 child or more could be reasonably likely. 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. It is considered it would

be reasonable to condition the number of children occupying the premises to a maximum of 2. Any increase in the number of children cared for would then require consent. With 2 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 adjacent to the neighbour/s 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 one manager present in the day (09.00-17.00) with 2 carers (08.00-22.00), therefore 3 staff in total. The manager would leave at 17.00. One carer would changeover at 22.00, with the arrival of a new staff member and one would remain over night. This indicates at night there will be two staff present. From this it is understood that daily there would be a total of 6 arrivals/departures of staff members. This will be alongside other daily activity, such as going shopping or to school.
- 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. 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'. Lancashire County Council Highways advise that taking children to school and collecting from school, deliveries and shopping would not be significantly different. They comment that 4 more movements per day from staff movements can be expected over parents going to and from work. Also, that visitors to a children's home are likely to be higher and 2 visitors per day would generate 4 additional vehicle movements. Overall, they estimate that a children's home would generate upto 8 vehicle movements more than a typical residential dwelling, which represents a small percentage increase in vehicle movements. However, they also comment that with the site being in a sustainable location it is expected that not all staff will use a car to come to work.
- 9.4.5 The proposed site plan shows 2 off-street parking spaces to be provided in the rear garden. Information has been provided that the house will have its own dedicated vehicle for daily needs such as days out, appointments and shopping. Considering the staff number and change overs, the maximum staff car parking requirements will be 4 at changeover times and 3 at other times. Alongside parking required for the dedicated house car this would potentially require 5 car parking spaces. With only 2 parking spaces to be provided at the dwelling, this indicates that upto 3 cars would need to be parked on the wider streets and that activity of staff coming and going would take place in the wider streets. The manager would arrive at 09.00 and depart at 17:00, and the carers' changeovers at 08.00 and 22.00. The changeover at 22.00 would

involve one staff member in and one out, therefore two movements in total. Generally, the activity would not be at unsociable hours and the staff changeover at 22:00 will not involve a significant amount of activity that would likely result in disturbance. Also, in this particular location in an urban town on an A-road with existing vehicular and pedestrian activity, the site is not assessed to be in a particularly quiet or tranquil setting, and the proposed activity would not stand out as being uncharacteristic. In terms of residential amenity, this would be in accordance 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.

- 9.4.6 In terms of visual and highway amenity from on-street parking, as discussed above it is possible that upto 3 staff vehicles could be parked on the wider streets. There are parking restrictions outside the front of the house and at the junction of Fylde Road, so these will not be available for parking. On street parking is characteristic on Fylde Road with several properties on that road without drives and so cars are already parked on the street. There is also on-street parking space available on nearby Vicarage Road. Potentially, required car parking could be assimilated into these areas without standing out as being out of keeping. It should be noted that the existing 4 bedroom dwelling has no off-street parking. The council's parking standards set out in the Local Plan, indicate a requirement of 3 car parking spaces for a 4 bedroom dwelling. Therefore, the associated on-street parking with the existing dwelling could be viewed as equivalent to the potential on-street parking associated with the proposal. Also, in this specific location, although the site is not in the Town Centre, the site is very close to public transport facilities, with a bus stop approximately 92m away and the train station 440m away. Given the range of transport options available at this site, it is assessed that although it is not possible for all of the staff cars to park within the application property, there are sufficient public transport options that would minimise the need to travel by car and provide a reasonable alternative. This is alongside the lack of objection to the proposal from LCC Highways. Therefore, this is considered suitable in relation to visual and highways amenity, and would not result in unacceptable visual amenity impacts from parking. In order to promote the use of sustainable transport options, minimise car use and the need for parking, and impacts on amenity, it is considered reasonable to require a travel plan through condition.
- 9.4.7 Lancashire Constabulary have been consulted on the application and not provided any comments. Based on this and the relatively small scale of the development proposed it is not considered appropriate to require the provision of CCTV or a higher level of security in this case, other than the fencing for general amenity reasons set out above. 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. Some neighbours have raised concerns that CCTV is proposed and the privacy impacts of this. As mentioned above, this will not be required to be provided through the planning application. If the applicant chooses to install CCTV, this will be similar to a situation where a householder installs CCTV and may be subject to separate legislation.
- 9.4.8 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'. As mentioned above LCC Children's Services say that there are 'two Ofsted

registered children's homes within a mile of the proposed home on Station Road (0.4 miles and 0.7 miles away by road)'. Planning permission was granted for a C2 children's home at 85 Moorland Road (App's. No: 21/01083/FUL and 22/00294/FUL). Based on the distance of these properties from the application site and the relatively small number of properties involved, it is not considered that the proposal would result in an undue concentration of children's homes in the area, so as to alter the local character in this urban town location or have an unacceptable impact on amenity.

- 9.4.9 The proposal would reduce the garden space available at the property due to the provision of the proposed car parking and there have been some objections received on this matter. The retained garden length would be around 5m, which is less than half the length of a typical residential garden of 10.5m. However, in this urban location, with access to public open space, including a park around 60m away from the property, it is assessed that there will not be an unacceptable impact on the amenity of the occupants, in terms of access to outdoor space.

Impact on Highway / Parking

- 9.5 A new carparking area for two cars is proposed in the existing rear garden with access onto the rear access road. Lancashire County Council (LCC) Highways have been consulted on the application and have no objections. They recommend that the additional two off-street car parking spaces be made a condition of any planning permission, which is reasonable. Based on this professional advice, there are therefore no highway safety, parking or traffic concerns with the proposal. The parking as shown can be conditioned to be retained to ensure its availability during the operation of the use.

Other Issues

- 9.6 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.
- 9.7 Health and safety concerns for the occupants of the proposal have been raised, including from the adjacent main road. As noted above LCC Highways have raised no issues, therefore there are no unacceptable highways concerns. The operation of the children's home will be subject to separate legislation, including in relation to its safe operation, which is outside the remits of this planning application. However, it should be noted that the existing dwelling could be occupied by children with the same surrounding environment, as could any residential dwelling in the area. This is therefore not an evidenced or reasonable ground to refuse the application.
- 9.8 Comments have been received about the maintenance of the rear access. This would be a private matter between the relevant parties.
- 9.9 The site is in Flood Zone 1, therefore there are no flood risk concerns with the proposal and sequential/exception tests do not need to be passed. Permeable paving is indicated on the plans for the parking area. As Policy CDMP2 of the Local Plan requires all development to follow the drainage hierarchy where possible, a condition can be used for the details of the drainage and materials to the parking areas to be agreed.

- 9.10 A representor has commented that the council should consider permit parking and resurfacing of Fylde Road. These are not matters under consideration as part of this planning application.

10.0 CONCLUSION

- 10.1 The proposal is acceptable in principle within the boundary of a settlement, and is within a suitably accessible location for the type of use proposed. It has been assessed that the proposal will not have an unacceptable impact on visual or neighbouring amenity. Based on professional advice from LCC Highways there will not be an unacceptable highway safety impact and there is sufficient parking in association with the proposed use. Overall, the development will comply with the NPPF and Adopted Local Plan, subject to the recommended planning 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 Full Planning Permission

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 21.02.2024 including the following plans/documents:

- Proposed Plans Drawing No: 24003_110
- Location Plan Drawing No: 24003_LOC

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. Prior to the first use of the development hereby approved, details of the location and appearance of cycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, prior to first occupation

of any part of the approved development and thereafter maintained and retained.

Reason: In the interests of the appearance of the site and locality and to provide sustainable transport options, in accordance with policies CDMP6 and CDMP3 of the Wyre Local Plan (2011-31).

4. An electric vehicle recharging (EVCP) scheme shall be submitted to and agreed in writing with the Local Planning Authority unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints.

The development shall not be first used until the agreed electric vehicle recharging point scheme has been provided and such electric vehicle recharging point scheme 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).

5. Prior to the first use of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to the site boundaries, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment/s shall be completed before the use hereby permitted is first commenced. The approved details shall thereafter be maintained and retained.

Reason: In the interests of the residential amenity of occupants/neighbours in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

6. The premises shall be used as a children's care 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).

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).

7. The number of children to be cared for at the premises shall be limited to 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.

8. Prior to the first use of the development hereby approved, the parking area(s) shown on Proposed Plans Drawing No: 24003_110 shall be provided.

The parking area shall 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).

9. Prior to the first use of the development hereby approved, a travel plan must be submitted to and agreed in writing by the local planning authority. The Travel Plan shall at least include:

Targets for the travel of staff and visitors to and from the site by other means than the car;

- Effective measures for the on-going monitoring of the Travel Plan;
- A commitment to delivering the objectives of the Travel Plan for a period of at least five years from first occupation of the development;
- Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the property.

The development hereby permitted shall be implemented in accordance with the agreed Travel Plan.

Reason: To promote sustainable and non-motorised travel and to safeguard the living conditions of neighbouring properties, in accordance with Policies SP2, CDMP6 and CDMP3 of the Adopted Local Plan, and the NPPF.

10. No development above ground level shall be commenced until details of the materials and drainage to be used in the construction of the parking area have first been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out using the approved materials and in accordance with the approved drainage.

Reason: To safeguard the visual amenities of the locality and to ensure suitable drainage and in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).