

Application Number 07/2023/00108/FUL

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Applicant Northridge Care Group Ltd

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Development Change of use from a Class C3 Dwellinghouse to Class C2 Children's Residential Care Home for up to two children aged 8-17 years with carers together with the conversion of garage into staff office and bathroom

Officer Recommendation **Approval with Conditions**
Officer Name **Mrs Linda Ashcroft**

Date application valid 06.02.2023
Target Determination Date 03.04.2023
Extension of Time



1. Introduction

1.1 The application is being presented to Committee at the request of Councillor Keith Martin, agreed by the Interim Director due to significant neighbour interest.

2. Report Summary

2.1 Planning permission is sought for the change of use of the existing dwellinghouse (Class C3) to a Children's Residential Care Home (Class C2) for up to two children aged 8-17 with carers together with the conversion of the garage into a staff office and bathroom.

2.2 At the time of writing the Committee Report, 14 No. written representations have been received.

2.3 As part of the application, the existing attached garage is to be converted into a staff office and a bathroom with external alterations to facilitate this.

2.4 The proposal is deemed to be in accord with Policies B1, F1 and G17 of the Adopted Local Plan 2012-2026 and Policy 17 of the Central Lancashire Core Strategy. Therefore, the application is recommended for approval subject to the imposition of conditions.

3. Application Site and Surrounding Area

3.1 The application relates to a modest 3 No. bedroom link detached dwellinghouse fronting Greencroft. Immediately adjacent the site to the east is a footpath with a small area of open space planted with trees.

3.2 The surrounding area comprises a mix of dwelling styles and sizes which have a staggered relationship; there are no dwellings set directly to the front or rear of the property.

3.3 The application property is a 3 No. bed dwellinghouse with an attached garage which is to be converted into a staff office and a bathroom. There is an existing hardstanding to the frontage which can accommodate three off road parking spaces

3.4 The site is situated within an existing built-up area as defined by Policy B1 of the South Ribble Local Plan. Greencroft is accessed off a main highway network, Marshall's Brow, and the site is situated within walking distance to bus stops located on New Lane and Pope Lane. The site is also well positioned for access to local education establishments, places of worship, recreation facilities, medical facilities, shops and other key services and facilities. The site also benefits from good access into Preston City Centre for any additional needs.

4. Relevant Planning History

4.1 There is no planning history to report.

5. Planning Proposal

5.1 This application seeks planning permission to change the use of the property from a dwellinghouse (Class C3) to a Children's Residential Care Home (Class C2) for up to two children aged 8-17 years with carers together with the conversion of the attached garage into a staff office and bathroom.

5.2 The home will be managed by a company called Northridge Care Group Ltd. The facility will be managed by a Home Manager who be on site 8.30am to 4.30pm, and operated by up to five full time members of staff at any one time, working on an agreed rota shift pattern, with two members of care staff on site at all times. In terms of staff shift patterns, it can be confirmed that staff will work on a five week rota working 8am to 10pm for two days and then having 3 days off. Staff handover will take place at 8.15am and 9:45pm every day, with handover taking no more than 15 minutes.

5.3 The proposal is seeking to provide accommodation for up to 2 children at any one time. These children will have social and emotional needs which can be cared for and supported within the facility, with the children effectively living together as a family with on site support. The children will attend local education establishments (unless their needs require more specialist education establishments), and the children will either be transported to school by local authority services, or by staff within the home who will be able to provide transport as necessary.

5.4 In relation to additional visits to the site it can be confirmed that social workers from the local authority will attend site to discuss the progress of the children and the frequency of such visits will vary based on the needs of each child, but will not result in a significant increase in daily traffic movements associated with the development. All visitors to the site will be asked to use the off road car parking provision made available on site, and will be informed in advance of the sites parking arrangements to further assist in reducing potential conflict with the highway network. In short, the number of visitors to the property over a week would remain comparable with those expected for a standard family home.

5.5 The only building works proposed is the conversion of the existing attached garage into a staff office and bathroom with the garage door being removed and bricked up and a bathroom window provided to the front elevation.

5.6 The property benefits from a hardstanding area to the front which would allow for on-site parking of up to 3 No. cars.

6. Representations

6.1 14 letters of objection have been received with the points summarised below:

Highway Issues

- ☐ 24 hour business with 24 hour shift, attendance of support staff, police will increase number of vehicles;
- ☐ Increase in volume of traffic and parking;
- ☐ Additional traffic would further reduce the already shocking state of the road surface;
- ☐ Cars will park on footpath restricting flow of traffic;
- ☐ Insufficient off road parking spaces;

Residential Amenity

- ☐ Use would cause unacceptable noise, foul language and anti social behaviour;
- ☐ Impact on families peace and quiet in their gardens and outside space;
- ☐ Potential of increase crime and disruption;
- ☐ Home will not integrate well with existing residents;
- ☐ Noise and disturbance;
- ☐ Garden and rooms too small;
- ☐ Elderly residents will no longer feel safe;
- ☐ House has no recreational area of substance at the rear;
- ☐ Use could harm the neighbourhood;
- ☐ Impact on existing residents mental health;
- ☐ Not the right area for this proposed use;
- ☐ Current issues with drug use in the area;
- ☐ Numerous young children living in close proximity could be put in potentially dangerous situations by the troubled youths;

Other Issues

- ☐ Paragraph 5.1 of the Planning Statement states that the home will be for 2 children yet paragraph 5.22 states 4 children. (*The Statement has now been amended at paragraph 5.22*)
- ☐ Covenant in Deeds state dwelling cannot be used for commercial purposes;
- ☐ Set a precedent for others to change to business premises;
- ☐ Devalue residential properties;
- ☐ Adjacent trees are a risk to property and general public when digging foundations (ignored on form);
- ☐ Stream within 20m (ignored on form);
- ☐ Safeguard issues;
- ☐ A 17 year old is a young adult who will require help and care with social emotional needs;
- ☐ How will children be managed;
- ☐ Insufficient publicity
- ☐ Concerned about adequate training and safety of staff;
- ☐ Referenced an Ofsted Report for a home in Leyland;

7. Consultation Replies

7.1 **LCC Highways** have raised no objection but have requested conditions and an informative in respect of highway works/safety.

7.2 **Environmental Health** have raised no objections to the proposal.

7.3 **LCC's Policy Information and Commissioning Team (Start Well)** advise that "Northridge Care is a provider who Lancashire County Council utilise and who deliver local

homes for local children. The planning application submitted is for a small children's home for up to 2 children at a time, which is a recognised gap in provision”.

8. Material Considerations

8.1 Policy Considerations

8.1.1 Paragraph 62 of the NPPF (2021) states that ‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

8.1.2 Policy 7 (e) of the Central Lancashire Core Strategy states that ‘Special needs housing including extra care accommodation will be required to be well located in communities in terms of reducing the need to travel to care and other service provision and a proportion of these properties will be required to be affordable.’

8.1.3 Policy B1 of South Ribble Local Plan relates to the Existing Built-Up Areas and permits development proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment, provided that the development complies with the requirements for access, parking and servicing; is in keeping with the character and appearance of the area; and will not adversely affect the amenities of nearby residents.

8.1.4 Class C3 (b) of the Town and Country Planning (Use Classes) Order as amended refers to ‘use as a dwelling house by not more than six residents living together as a single household, (including a household where care is provided for residents)’. If a children’s home was being run on this basis, with children being looked after by a permanent occupant of the dwelling, there would be no requirement for planning permission.

8.1.5 Use Class C2 (Residential Institutions) of the above Order reads as follows: Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)). The proposal therefore falls within this Use Class.

8.1.6 Case Law, North Devon District Council [2003] case, confirmed that it is unrealistic for children to look after themselves and that a children’s home run on shift patterns would require a change of use. The home will accommodate a maximum of two children between the ages of 8 and 17. This will be staffed by carers who will work on a shift basis to be able to provide 24 hour care.

8.1.7 The site is located within a large residential estate and the lawful use of the dwelling itself is as a dwellinghouse that lies within an existing built-up area and is within close proximity to bus stops and the local centre of Kingsfold and as such is within a sustainable location.

8.1.8 In land-use terms, the use is very much similar to that of a family home providing residential accommodation for up to two children, although with an additional element of care and support. As such, the proposed change from the building’s current residential use to a residential care facility is considered acceptable in principle and accords with the aims set out within paragraph 62 of the NPPF, Policy 7 of the Core Strategy and Policy B1 of the Local Plan. The main areas for consideration are therefore the visual impact, residential amenity and highway safety issues of the proposed development.

8.2 Residential Amenity

8.2.1 It is noted that a number of objections make reference to noise and disturbance associated with the proposed use of the property. The proposed use is not considered to be

substantially different to the extant use. There would be two young persons and two members of care staff on site at all times working shift patterns on a five week rota working 8am to 10pm for two days and then having 3 days off. Staff handover will take place at 8.15am and 9:45pm every day, with handover taking no more than 15 minutes. The staff change overs are not considered to result in any noise or disturbance over and above that which could be generated by residents should the property remain in C3 use.

8.2.2 The supporting information submitted with this application states that the aim of the residential care service is *“to provide service users with a high standard of care, support and other specialist services to ensure the best outcome for their health and long term life chances. The host building will allow this level of bespoke care, in a safe, supportive and family orientated environment and will be meeting the care needs of some of the vulnerable members of the local community.”*

8.2.3 The children will effectively live together as a family with on site support and will attend local education establishments. The children will be transported to school by either local authority services or by staff within the home.

8.2.4 It is acknowledged that the current lawful use of the property, a C3a residential dwelling, could, in itself, create similar levels of noise such as from children playing or everyday family activities at various intervals in the day. Nonetheless, it is accepted that by the young people coming from different backgrounds and potentially having complex needs, the level of noise may vary from that of a traditional family at points. However, the provision of full-time carers would ensure that any noise is not in itself unacceptable. Despite the modest scale size of the property, the level of occupancy can be secured via a condition to protect residential amenity.

8.2.5 In land-use terms, the proposed use appears very much like a family home, however the intensity of the use of the site will to some degree differ slightly from that of a standard household as the level of staff support and visitors is likely to lead to some additional activity compared to its use as a single dwelling. However, the movements caused by the staff and visitors is considered to be minor, therefore it is considered there would not be a significant impact in relation to local amenity.

8.2.5 The Councils Environmental Health team ??

8.2.6 As such, whilst the use in itself may result in minor noise increases to a C3 use, for the purposes of this assessment these would be offset by the suitability of the site for the purposes of this use. The separation distances and restriction on the number of young adults occupying the site would similarly ensure that the scheme is does not result in any unacceptable harm.

8.3 Visual Amenity

8.3.1 The only external alteration proposed is to remove the garage door, brick up the opening and add a small bathroom window. As the ‘permitted development’ rights have not been removed on this dwelling, this work can be undertaken without the requirement for planning permission for a C3 dwelling.

8.3.2 There may be several cars present at any one time at shift changeovers and occasional visits from social workers, but these would be no more than a busy household.

8.3.3 The use as a care home would be of a small scale and the children/young adults would live in the property and effectively form a household, not giving rise to a commercial appearance or one which would result in significant change in character of the area.

8.4 Highways

8.4.1 Section 9, paragraph 111 of the National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.4.2 Policy F1 of the Local Plan states that all development proposals will be required to provide car parking and servicing space in accordance with the parking standards adopted by the Council. In general, parking requirements will be kept to the standards as set out unless there are significant road safety or traffic management implications related to the development of the site. The parking standards should be seen as a guide for developers and any variation from these standards should be supported by local evidence in the form of a transport statement. Where appropriate, some flexibility will be factored into the standards in relation to the specific local circumstances.

8.4.3 Objections have been received in respect of an increase in volume of traffic and parking resulting in cars parking on the pavements and that there is insufficient off road parking spaces.

8.4.4 The property is a three bed dwelling for which two off road parking spaces are required. The existing garage is to be converted, however Drawing No. GL488B/61 indicates three off road parking spaces to the front of the dwelling. It was noted at a site visit and evidenced by a photo detailing three cars parked within the curtilage of the dwellinghouse, that the site can comfortably accommodate three off road parking spaces.

8.4.5 LCC Highways have no objections and feel that the change of use from residential to children's home for up to two children of school age, will have a negligible impact on highway safety and capacity and are satisfied with the proposed level of off-street parking. However, it was evident that the existing dropped kerb needs to be extended for the entire frontage of the property, and there is loose material for one existing parking space and therefore conditions have been requested to address these concerns.

8.4.6 LCC Highways also comment that the proposed change of use may result in increased traffic to the site and therefore the Lancashire County Councils five-year data base for Personal Injury Accident (PIA) has been reviewed which confirms that there have not been any recorded incidents around the proposed site for the last five years. On balance, it is considered that the proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site

8.5 Other Matters

8.5.1 In addressing objections raised from neighbours, issues surrounding amenity, noise/disturbance and highways/car parking, have been addressed above and, where necessary, controlled through conditions

8.5.2 Neighbour notification was carried out to 8 No. properties and a site notice was posted on a lamppost adjacent the site and therefore sufficient publicity has been undertaken.

8.5.3 The presence of a restrictive covenant and depreciation in house value are not material planning considerations. No works are proposed that would impact on the adjacent trees and the site is situated within Flood Zone 1 (land that has a low probability of flooding).

8.5.4 The home will care for some of the vulnerable members of the local community who will have social and emotional needs, however these elements are not concerned with the use of the property.

9. Conclusion

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. As the determination of this planning application is a determination to be made under the Planning Acts the starting point must be the Development Plan and then other material considerations must be considered.

9.2 In this case, the principle of the change of use from C3 to C2 is acceptable in this location. It is likely that the property would function in a way which is materially different from a traditional C3 dwelling house, but not in a way which results in any harmful impacts, subject to a condition that only two children/young adults reside at the property at any one time.

9.3 In summary, it is reasonable to conclude that there would be no unacceptable highway safety or residential amenity impacts, or harm to the character and appearance of the area.

9.4 The proposal has been assessed having regard to relevant development plan policies, as set out above. Having regard to all material planning considerations, the proposal is considered to be acceptable subject to conditions. It is therefore recommended that the application be Approved.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg GL488B/21 and GL488B/61.
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. No vehicular use shall commence until the existing drop kerb has been extended for the entire frontage of the property, at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) fronting the existing parking spaces.
Reason: In the interests of pedestrian safety and accessibility
4. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved by the Local Planning Authority.
Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users
5. The use hereby permitted shall be restricted to a maximum of two residents (aged 8 to 17 years) at any one time.

Reason: To enable the Local Planning Authority to retain control over the use of the land.

RELEVANT POLICY

NPPF National Planning Policy Framework

7 Affordable and Special Needs Housing (Core Strategy Policy)

17 Design of New Buildings (Core Strategy Policy)

POLB1 Existing Built-Up Areas

POLF1 Car Parking

POLG17 Design Criteria for New Development

Note:

1. This consent requires the construction, improvement, or alteration of an access to the public highway. Under the Highways Act 1980 Section 171 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-andtravel/roads/vehicle-crossings.aspx>
