

Application Number 07/2023/00050/FUL

Address 15 Middlefield
Moss Side
Leyland
Lancashire
PR26 7AE

Applicant New Horizons Ltd

Agent Mr Neil Anyon

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United Kingdom

Development Proposed change of use from a C3 residential dwelling to a C2 Residential Institution to accommodate young people in need of care.

Officer Recommendation **Approval with conditions**

Officer Name **Daniel Power**

Date application valid 18.01.2023
Target Determination Date 15.03.2023
Extension of Time



1. Report Summary

- 1.1. The application proposes change of use of 15 Middlefield from a dwellinghouse (use class C3) to a children's home (use class C2). The home would offer care for a maximum of four children, between the ages of 8 and 17 (18 if required to aid transition and agreed by Ofsted). No other physical changes are proposed to the property which would to all intents and purposes be a residential dwelling
- 1.2. In response to publicity at the time of writing this report 5 objection letters and 2 in support have been received.
- 1.3. In policy and spatial separation terms the proposal is considered compliant and it is recommended that the application should be approved subject to the imposition of conditions

2. Application Site and Surrounding Area

- 2.1 The applicant seeks permission for change of use from Use Class C3 residential to children's home (Use Class C2 – residential institutions) for up to 4 children between the ages of 8 and 17. There would be no physical change to the house or its outside space.
- 2.2. The application site is located to within the built-up area of Leyland, on the southern side of Middle Field. The existing dwelling is a two storey detached property, which has been extended in the past with two storey extensions to each side. To the front of the dwelling are two access drives, with a grass area between. To the rear of the dwelling is two single storey elements with a private garden area.

3. Site Context / Planning History

- 3.1. The following application is relevant to the application site:
 - 07/2001/0014 – Porch to front – Approved subject to conditions
 - 07/2000/0088 - Two storey side extension with single storey element to front and rear. Construction of porch to front – Approved subject to conditions
 - 07/2000/0672 - Conservatory to rear – Approved subject to conditions
 - 07/1990/0331 – Two storey side extension – Approved subject to conditions
 - 07/1999/0035 - Two Storey Side Extension with Single Storey Element to Rear Together with the Addition of Porch to Front. – Approved subject to conditions

4. Proposal

- 4.1. The applicant seeks permission for change of use from Use Class C3 residential to children's home (Use Class C2 – residential institutions) for up to 4 children between the ages of 8 and 17. There would be no physical change to the house or its outside space. There would be no material changes to the external appearance of the dwelling. Internally, a second bathroom would be provided internally. In addition, the existing driveway would be upgraded to allow parking for 5 vehicles.
- 4.2. The application proposes a children's home for a maximum of four children aged from 8 to 18 years. The children's home would be run by a manager who would oversee a team of 4 carers working 2 x 24 hours shifts with 3 days off. The manager would work between the hours of 08:00 and 17:00, which would result in the maximum number of staff at any one time to 5.
- 4.3. The carers, working on a rota basis, would effectively live at the dwelling house to provide 24-hour care, as a single household. Facilities such as the bathroom/wc, kitchen and living rooms, would be shared and the living mode would be communal. The maximum number of people in the house during the day will be nine (When not at school) and eight during the evening.

5. Summary of Supporting Documents

- 5.1. The application is accompanied by the following:
 - Full application form
 - Planning Statement
 - Location Plan
 - Proposed site Plan
 - Elevation plans

6. Representations

6.1. Summary of Publicity

- 6.2. Fourteen neighbouring properties have been consulted with 5 objection letters and 2 in support have been received and they can be summarised as follows:

Objecting

- More information is needed on care of teens required.
- The proposal would result in loss of value to property.
- The proposal would result in an unacceptable level of noise harmful to neighbouring amenity.
- The proposal would have a harmful impact to the local highway network
- Insufficient parking is being proposed.
- The coming and going of the proposal would have a harmful impact to neighbouring amenity.

Support

- Good use of existing property to give care to children,
- Surrounding estate(s) including Fernleigh there's already several care homes of this nature causing no harm providing essential care.
- There is sufficient parking for the proposal.

7. Summary of Responses

7.1. **South Ribble Environmental Health** - Following the submission of a Noise Management Plan – No objection

7.2. **Lancashire County Council Highways** - LCC have no objections. The change of use from residential to children's home for up to four children of school age, will have a negligible impact on highway safety and capacity.

The site benefits from ample off-street parking, as do the rest of the properties along Middlefield. The proposed plan indicates a further part of the frontage of the property, which is currently grassed, is to be hard paved to make space for an additional off-street parking space. Additionally, the location of this property is close to the dead end of the road, meaning vehicles traveling here will be residents, visitors, and deliveries only.

The proposed change of use may result in increased traffic to the site; however, I have reviewed the Lancashire County Councils five-year data base for Personal Injury Accident (PIA). The data base indicates that there have not been any recorded incidents along Middlefield for the last five years.

Therefore, LCC have no objections provided the condition is imposed relating to the provision of hardstanding for parking.

8. Material Considerations

8.1. **Principle of development**

8.2 The Town and Country Planning (Uses Classes) Order 1987 (as amended) identifies a range of uses for land and buildings, and specifically permits changes of use from one to another within individual classes. A private residential house (dwellinghouse) falls within Use Class C3 whilst Residential Institution falls within Use Class C2.

8.3 Class C2 (Residential Institutions) covers 'Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwellinghouses), use as a hospital or nursing home; use as a residential school, college or training centre'.

8.4 'Care' is defined in the Use Classes Order as 'personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment' A children's home would fall within this use class.

- 8.5 Case Law – specifically the case of Devon DC v FSS & Southern Childcare Ltd (2003) confirms that it is unrealistic for children to be expected to look after themselves and that a children’s home run on shift patterns would require a change of use. This well-founded case which forms the basis of many such permissions held that ‘children need to be looked after. They cannot run a house. They cannot be expected to deal with all the matters that go to running a home ... children are regarded as needing fulltime care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should.’ The judge also said, however: ‘Although it may sound somewhat illogical, it is accepted...that, notwithstanding that this may fall within Class C2, rather than Class C3, nonetheless planning permission may not be required if the change of use was not a material change of use’(i.e. changes are so insignificant that they do not matter).
- 8.6 ‘Devon’ thereafter notes that the issue of whether planning permission is required in the first place for a children’s home is still a matter then dependant on the circumstances of each individual case, which will turn on whether a ‘material change of use’ has occurred from class C3 use to class C2. In the circumstances, an assessment of the impacts on a case by case basis using planning judgement is required. Does the proposed use change the actual daily use and character of the property? This is an individual matter of fact and degree. There are also other indicators as to whether a material change of use would take place such as the effect of noise and disturbance of the number and timing of movements to and from the premises associated with the home, staff changeovers, visitors and a need for visits from regulatory services. Other factors to consider are highway safety, parking, amenity space, external alterations of the building; and changes to the internal fitting out of the premises such as fire alarms, lockable internal doors.
- 8.7 The existing dwelling is a detached 6 bedrooms property, with a kitchen, dining/lounge room, sitting room and office at the ground floor. The proposal seeks permission for the use of the property for 4 children, with 4 staff working 2x24 hours shifts. Arguably, the use of the property will be no different to that of a family unit with four children and visiting adult friends; although children are likely to be more closely supervised. Shift patterns would necessitate movement to and from the property but not all staff will be present at all times. Vehicle movements would be similar, there are no external changes and the property can accommodate the relevant number of day to day vehicles without the need for on-road parking.
- 8.8 Internal arrangements would remain as the existing and loss of privacy or overlooking from the property would be no different than the current situation. However, it is considered that there is a sufficient material change that permission is required for formal change of use, but that materiality only just exceeds that which would be permitted development for which permission would not be required.
- 8.9 **Neighbouring amenity**

- 8.10 Policy G17: Design Criteria for New Development states that the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect.
- 8.11 Objections have been received stating that the proposal would have a detrimental impact to neighbouring amenity due to noise, disturbance and loss of privacy. The existing dwelling is a 6-bedroom detached property, with a kitchen with utility room, living room, family room, home office and garage at the ground floor with the bedrooms and a bathroom at the first floor. The existing house could, with two adults in one room and one child in each of the remaining bedrooms, house 8 occupants. Furthermore, a family occupying the existing house could have more than two people over the age of 18. In addition given the sizes of the bedrooms more than one child could sleep in some of the bedrooms.
- 8.12 The application does not propose any external alteration to the existing dwelling and the submitted planning statement details that during the day there could be 2 members of staff in the property at any one time. Even with a cross over with two new members of staff, including the 4 children, there could be 8 people within the dwelling. A noise management plan has been submitted with the application outlining how noise impact to neighbouring properties will be reduced. Given the scale of the existing dwelling, the typical number of occupants that could occupy or visit the property, it is not considered the coming and going of the proposal would have a significant impact to neighbouring amenity by disturbance or noise.
- 8.13 With regard to overlooking, no external alterations are proposed to the building, therefore any overlooking would be from either existing windows or areas where overlooking could occur. It is therefore not considered the proposal would result in an increasing of overlooking.
- 8.14 The proposal would therefore should not cause significant harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect. The application therefore accords with policy G17 of the Local Plan and as such is considered acceptable in this regard.
- 8.15 **Highways**
- 8.16 Policy F1 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.
- 8.15 Objections have been received relating stating that the development would have a harmful impact to local highway safety and would provide insufficient parking. As highlighted above, the existing house could, with two adults in one room and one child in each of the remaining bedrooms, house 8 occupants, with the occupants existing house could have more than two people over the age of 18. It could be the case that occupants of the existing dwelling could have four/five cars within the site.

8.16 The highways authority have reviewed the application and consider that the change of use from residential to children's home for up to four children of school age, will have a negligible impact on highway safety and capacity. The site benefits from ample off-street parking, as do the rest of the properties along Middlefield. The proposed plan indicates a further part of the frontage of the property, which is currently grassed, is to be hard paved to make space for an additional off-street parking space. Additionally, the location of this property is close to the dead end of the road, meaning vehicles traveling here will be residents, visitors, and deliveries only.

8.17 The proposed change of use may result in increased traffic to the site; however, LCC have reviewed the Lancashire County Councils five-year data base for Personal Injury Accident (PIA). The data base indicates that there have not been any recorded incidents along Middlefield for the last five years. It is therefore considered the proposal would not result in a significant impact to the local highways network and provides sufficient parking. The application therefore accords with policy F1 of the Local Plan.

8.18 **Other Matters**

8.19 Objections have been received relating the proposals impact to neighbouring property value, this is not a material planning consideration in the determination of this application.

10. **RECOMMENDATION**

10.1. There is a need to carefully balance the amenity expectations of residents in their communities against the need to ensure that vulnerable children are also appropriately accommodated. There have been a number of comments received from neighbours relating to noise and disturbance from other such premises, yet there are also children's homes which settle into their communities successfully and without any detriment to residents.

10.2 None of the Councils statutory consultees have an objection subject to relevant conditions. The use of the property as a C3 dwelling, this would be similar to a C3 dwelling. On balance the proposed change of use from C3 dwelling to C2 children's home is considered to be policy compliant is recommended for **approval subject to the imposition of conditions.**

RECOMMENDATION:

Approved subject to 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 LP146/23 REV A, E146/23 REV A
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. Prior to occupation, that part of the driveway being extended for vehicle parking 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
4. The use hereby permitted shall be restricted to a maximum of four residents under the age of 18 at any one time.
Reason: To enable the Local Planning Authority to retain control over the use of the land.
5. Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) Paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order, the use of the premises shall be restricted to the use applied for unless the prior consent of the Local Planning Authority is obtained.
Reason: To enable the Local Planning Authority to retain control over the impact of the development on residential amenity and highway safety in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2015

RELEVANT POLICY

NPPF	National Planning Policy Framework
POLB1	Existing Built-Up Areas
POLF1	Car Parking
POLG17	Design Criteria for New Development
3	Travel (Core Strategy Policy)
17	Design of New Buildings (Core Strategy Policy)
7	Affordable and Special Needs Housing (Core Strategy Policy)
