

Application Number 07/2017/1864/FUL

Address 2 Cromwell Avenue
Penwortham
Preston
Lancashire
PR1 9AU

Applicant New Horizons NW Ltd

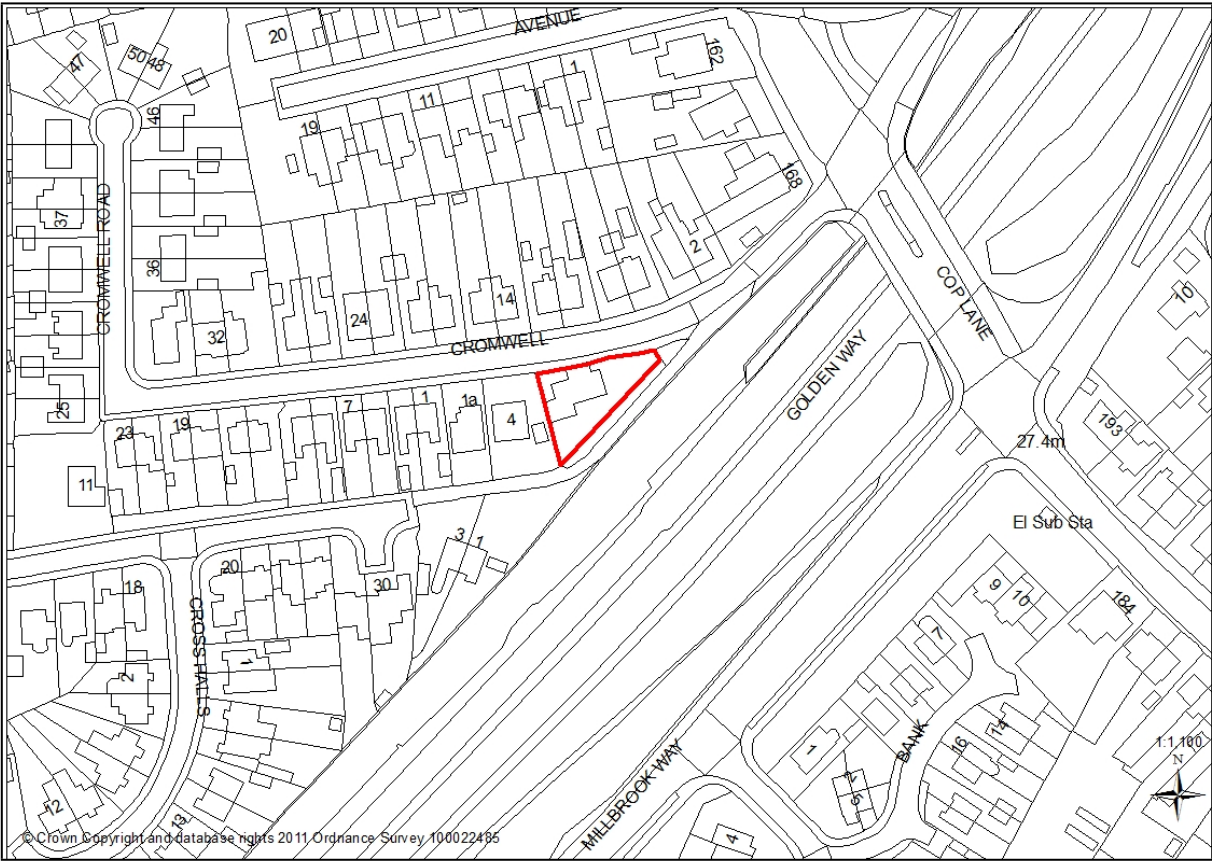
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Development Change of use from a residential dwelling (Class C3) to Residential care home (Class C2)

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

Date application valid 28.06.2017
Target Determination Date 23.08.2017
Extension of Time



1. Introduction

- 1.1 This application is being brought before the Planning Committee at the request of a Ward Councillor.

2. Report Summary

- 2.1 This application seeks permission for a change of use from a residential dwelling (Class C3) to a residential care home (Class C2). The use is to provide care for a maximum of 3 vulnerable young people aged from 10 to 17 years of mixed sex within the 'Child Looked After' system.
- 2.2 This location has been chosen due to the safeguarding of young people, this location brings a 'normal' family environment in a location that reflects this.
- 2.3 It is also considered that the use will not have a detrimental impact on residential amenity, highway safety nor will it impact upon the character and appearance of the area.

3. Site History

- 3.1 07/1991/0782 – Extensions to both sides and front of bungalow. Approved.
- 3.2 07/2001/0660 - Raising roof height to form first floor bedroom dormer to front and hip roof over garage. Approved
- 3.3 07/2003/0277 – Attached garage to front. Refused

4. Proposal

- 4.1 Planning permission is sought for a change of use from a residential dwelling (Class C3) to residential care home (Class C2).
- 4.2 The care home is to provide residential care a maximum of 3 young people aged from 10 to 17 years of mixed sex within the 'Child Looked After' system.
- 4.3 This location has been chosen due to the safeguarding of young people, this location brings a 'normal' family environment in a location that reflects this. Safeguarding of young children is paramount and to give them a stable, safe environment that they have not experienced.
- 4.4 The home will have an Ofsted Registered Manager on site who will work Monday to Friday 8.30 am to 3.15 pm five days a week; they are always on call to support their staff team.
- 4.5 The staff team will consist of 2 seniors, 3 residential childcare workers, 2 waking night staff and will work 2 days on and 3 days off on a 5-week rolling rota. One of the childcare workers will sleep at the home until the following day to start their shift of 8.00 am to 10 pm; at 10 pm the waking night staff will arrive and leave at 8 am.
- 4.6 On any one day the shift would consist of the following:
- ☐ Homes Manager 08.00hrs to 15.30hrs
 - ☐ Senior Residential Childcare worker 08.00hrs to 22.00hrs
 - ☐ Residential Childcare worker 08.00hrs to 22.00hrs

- 4.7 A site plan has been submitted to indicate three off road parking spaces; amended plans have been received to provide dropped kerbs and to widen the access to accommodate vehicle movements.

5. Representations

5.1 Summary of Publicity

- 5.1.1 Seven neighbours were initially notified and a site notice has been posted. Following a decision that the application was to be determined by Planning Committee neighbours and contributors were notified.

5.2 Letters of Objection

- 5.2.1 A total of 68 letters of objection have been received, two representations have been received from three separate addresses.

- 5.2.2 A summary of the points of objection raised follows:

5.2.3 Highway Issues

- ☐ Increased traffic from users, staff, visitors, police nursing/medical carers and deliveries/ collections
- ☐ Quiet cul de sac with little or no turning room
- ☐ Busy with residents cars especially at school and evening times; this will increase
- ☐ No dropped kerb to access the site
- ☐ Lack of adequate parking on the plot will result in increased on street parking
- ☐ Access to the property from Cromwell Avenue is via an unadopted road which is designated as a footpath/cycle route and therefore will be a danger to public
- ☐ Emergency vehicles already find it difficult to access residents of Cromwell Road due to congestion
- ☐ Cars park on pavements which blocks access for pedestrians, prams and wheelchair uses
- ☐ Safety of children will be compromised by further increased traffic
- ☐ Safety of pedestrian access already compromised by very poor street lighting and the danger of leaf litter from overhanging trees during winter months
- ☐ Work already underway has severely increased parking/congestions issues with vans/delivery vehicles and skips; more prevalent when the refuse collections are due
- ☐ Cromwell Road is mostly on double yellow lines
- ☐ Only one car parking space on the property (not three)
- ☐ Have to work extremely hard with angry and irate neighbours about parking issues close to the school; this issue will only be aggravated further.
- ☐ Will need 2:1 care and have experienced the impact of 8 to 10 carers all with cars parking around a property such as this 24 hours a day
- ☐ Probably have a mini bus which would reduce parking
- ☐ Would be a minimum of 5 staff on site at any one time; believe that most will use their cars rather than public transport or cycling to work
- ☐ The road also does not have a good exit route probably due to traffic lights that do not change very quickly allowing us to exit
- ☐ Currently children play in the street which would be compromised due to increased traffic flow.

5.2.4 Character of the Area

- ☐ Area is residential not commercial
- ☐ No other businesses in this street or area other than the local newsagents on Cop Lane

- ☐ More suitable locations in Penwortham, in particular the multitude of empty retail units on Liverpool Road
- ☐ Will change neighbourhood from one of benign family living to one of persistent anxiety about what the proposed residents may get up to
- ☐ Better situated in rural areas where impact to local residents is minimal
- ☐ Impact on the quality of life of nearby residents
- ☐ This change could pave the way for other properties to follow suit.

5.2.5 Noise/Disturbance

- ☐ Increase in noise and disturbance
- ☐ Potential added threat of increased anti-social behaviour and activity
- ☐ Work with young adults who have a range of social, emotional and behavioural issues; for my health and wellbeing I do not want to have to confront them, deal with them and their issues at weekends
- ☐ Could attract other problem teenagers to the area
- ☐ Understand that students come with a wide range of issues which may be more suited to schools which are staffed accordingly so their needs can be met through the use of TA's, counsellors and social workers
- ☐ Used to be a problem with local youths congregating on the corner of Cromwell Avenue and Cromwell Road causing anti-social behaviour
- ☐ Encourage drug/alcohol use attracting an undesirable element, specifically from the Kingsfold area of Penwortham

5.2.6 Other Issues

- ☐ New Horizons NW Ltd do not appear to have received good Ofsted reports
- ☐ Believe this kind of venture is motivated by financial profit rather than by a desire to help young people
- ☐ Cromwell Avenue is a major footpath which many children use on their way to and from school
- ☐ Classed as a safe area to bring up young children and this may be put at risk
- ☐ Main dog walking route
- ☐ Cycle route
- ☐ Disappointed at lack of information received about proposal
- ☐ Have two small children; do not want their sleep disturbed unnecessarily
- ☐ Potential increase in criminal activity within this very safe area with a low crime rate
- ☐ Already have a number of children in the care of the local authority (CLA) in the school, this has been steadily rising and has significantly impacted on our ethos and stretched our staff's capacity to support these pupils effectively to the absolute limit
- ☐ Would be detrimental to existing pupil population and would not be effective for these most needy children
- ☐ When CLA's apply to the school it has no right of refusal
- ☐ Experience of this type of facility shows that many of the children come with social and behaviour issues
- ☐ A proven fact that those with a history of being abused have a higher risk of becoming an abuser themselves
- ☐ Could intimate, cause physical harm or threat local residents
- ☐ Damage property in the area
- ☐ Query whether pre-application advice has been sought
- ☐ Many of the children will come from broken households; will be classed as having 'a complex and difficult behaviour' resulting in them coming to the notice of the police
- ☐ From experience as a retired senior police officer, children have got out of the homes to roam the local streets, to the danger of other children and themselves, committing vandalism and other unruly behaviour

- ☐ Proposed use in a different use class to an ordinary family home suggesting that the way they operate generates different patterns of activity and other issues to that of a more normal home
- ☐ Only 7 houses were notified but proposal affects everyone in the area
- ☐ Having witnessed the volume of work which has already been carried out, it is obvious that the necessary plans have already been prepared and that planning has already been unofficially granted.
- ☐ Use would have a negative effect on the value of property
- ☐ Safety and allowing homeowners a safe place to live must be put before business and profit
- ☐ Change of use does not accord with the sentiments of the Penwortham TC Neighbourhood Plan 2016-2026 to see a greater provision for an older population.
- ☐ Form answered incorrectly in relation to trees or hedges and whether building, work or change of use having commenced.
- ☐ Have young children who could be misled and influenced by the residents
- ☐ Is the property to increase in size
- ☐ Shortage of family housing in the local area
- ☐ Concerned for safety of family due to working in a safeguarding capacity of children.
- ☐ Request the application is determined by planning committee
- ☐ Contravenes Article 8 of the Human Rights Act which protects my right to respect for private and family life, my home and correspondence.

6. **Summary of Responses**

- 6.1 **Lancashire County Highways** have raised no objections in principle and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.
- 6.1.1 The LCC five year data base for Personal Injury Accident indicates there has been no recorded incidents within the vicinity of the proposed site.
- 6.1.2 LCC consider the level of parking is acceptable but have requested that the access is widened to accommodate vehicle movements and drop kerbs are also required. A condition will be imposed to secure that this is provided.
- 6.2 **Environmental Health** has unfortunately received numerous complaints over the years regarding noise from occupants of care homes with learning difficulties or from a vulnerable background. The complaints received are generally from the care user vocalising. From reviewing the application there are several properties surrounding the development that would be adversely affected by noise of this nature, specifically when both resident and care user are in their gardens at the same time, as is the scenario with previous investigation. A condition to require the agreement of a noise management plan is therefore recommended
- 6.3 **Architectural Liaison** have raised no objection but have offered advice to the applicant relating to Designing out Crime. This advice will be added to a decision notice by way of an informative note.
- 6.4 **Lancashire Police** have been made aware of the application but had no comments to make.

7. **Material Considerations**

- 7.1 Planning permission is sought for the change of use from a dwelling to a four bedroomed residential care home. A minor alteration is proposed to brick up a

bathroom window. The main issues include whether the principle of the change of use is acceptable, highway matters, residential amenity and any other considerations.

7.2 Principle of development

- 7.2.1 The Town and Country Planning (Uses Classes) Order 2005 as amended distinguishes a range of uses of buildings and specifically permits changes of use from one to another within individual classes. A private residential house (Dwelling House) falls within Use Class C3. Use Class C2 relates to Residential Institutions and a children's home would fall within this use class. Case Law has confirmed 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. Hence, planning permission is required for the proposal.

7.3 Policy

- 7.3.1 **Policy B1: Existing Built-Up Areas** in the South Ribble Local Plan permits development which complies with the requirements for access, parking and services; is in keeping with the character and appearance of the area and will not adversely affect the amenities of nearby residents.
- 7.3.2 **Policy F1: Parking Standards** in the South Ribble Local Plan requires that development proposals provide car parking and servicing space in accordance with the parking standards. For a C2 use, 1 car parking space per 4 bedrooms is the requirement and a provision for the parking of two bicycles. Three off road parking spaces have been shown on a site plan, including the existing garage and a cycle shelter to the rear of the garage.

7.4 Highway Considerations

- 7.4.1 County Highways consider the level of parking is acceptable but have requested that the access is widened to accommodate vehicle movements and drop kerbs are also required. Amended plans have been submitted to address these concerns to which County Highways have confirmed that this is acceptable.
- 7.4.2 The existing access to the property is to be altered to provide drop kerbs; it has been confirmed by the applicant that an application has been made to LCC for these works to be undertaken.
- 7.4.3 Visiting of professionals does not happen regularly, social workers will visit the young person once a month, this could be less. When a young person is placed into the home the Social Worker will visit 72 hours later for a planning meeting.
- 7.4.4 The home runs similarly to any normal family; young people will be taken to school or use public transport. If a young person is attending a school out of the area and previously a transport service provided, this would continue, but this is a rare occurrence.

7.5 Character of the area

- 7.6 A minor alteration to the front elevation is proposed to brick up a window to a bathroom to allow a shower cubicle to be accommodated. The residential home will act as a home from home and will create a family environment and will therefore not be dissimilar to a residential dwelling.

7.6 Noise and Disturbance

- 7.6.1 Due to the nature and use of the property, Environmental Health have recommended a condition for a noise management plan is submitted.
- 7.6.2 Lancashire Police and the Architectural Liaison Officer have raised no concerns.
- 7.7 Residential Amenity
- 7.7.1 Given that there are to be no major alterations or any extensions to the property the key issues relate to the impact on the amenity of nearby occupiers. Relevant factors include the movements to and from the premises associated with such a use including shift patterns, the need for visitors and any emergency services.
- 7.7.2 The applicant has advised that each of their homes act as a home from home where, social, emotional and moral needs are met by high levels of dedicated and highly trained staff. All staff use their high levels of experience to work and empower young people, thus enabling them to make positive changes, to achieve the very best outcome in life. As there would be no more than 3 children at any one time it is considered that the proposed use would not be dissimilar to a residential dwelling.
- 7.7.3 It is acknowledged that this type of development can cause noise. Environmental Health has advised that a noise management plan should be considered to ensure that the amenity of the neighbouring properties residents are protected. In this case the small number of children associated with the proposal is unlikely to unduly affect the character and nature of the area, nevertheless a condition requiring a noise management plan is recommended.
- 7.7.4 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. Subject to conditions restricting the use to that applied for, the proposal is considered acceptable and would meet the aims of Policy G17 of the South Ribble Local Plan.
- 7.8 Other Material Considerations
- 7.8.1 Concerns relating to unsatisfactory Ofsted reports, profit making, emotional needs/behaviour of the children to be cared for and potential threats to children living in the area, value of properties are not material planning considerations.
- 7.8.2 In respect of inaccuracies on the application form relating to trees/hedges, pedestrian and vehicle access, these have been brought to the attention of the agent; plans have been amended and LCC have been approached by the applicant in respect of providing a dropped crossing.
- 7.8.3 No pre-application advice has been formally undertaken on this property.
- 7.8.4 Seven neighbours were initially notified and a site notice posted at the junction of Cromwell Avenue and Cromwell Road. This amount of publicity is deemed sufficient for this type of application.
- 7.8.5 It was noted at a site visit that building works had already commenced but as the majority of this was internal, and no extensions are proposed, planning permission is not required in this respect.
- 7.8.6 Provision for an older population within the Neighbourhood Plan 2016/2026 is not something that can be requested in respect of private residential property sales.

- 7.8.7 It is considered that the use will not contravene Article 8 of the Human Rights Act to protect a right to respect for private and family life, home and correspondence.

8. Conclusion

- 8.1 The change of use from a dwelling house to a residential care home has been carefully assessed.
- 8.2 LCC Highways has raised no objection in principle and Environmental Health have requested a condition be imposed that a Noise Management Plan is submitted.
- 8.3 No objections have been received from the Architectural Liaison Officer and Lancashire Police.
- 8.4 It is therefore considered that the nature of the use and the number of children who will reside at the property will not impact upon highway safety, the character and appearance of the area nor will it have a detrimental impact upon the amenity of neighbouring residential properties.
- 9.3 The proposal complies with Policy 17 of the Central Lancashire Core Strategy, Policy B1, F1 and G17 of the Adopted Local Plan 2012-2026 and therefore recommended for **approval**.

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. That prior to first occupation of the property a noise management plan shall be submitted and agreed with the local planning authority to mitigate against noise from vocalisation of care users.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 & 28 of the Central Lancashire Core Strategy.
3. The proposed vehicle access shall not be utilised until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of an appropriate legal agreement, under the Highways Act 1980.
REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway works are acceptable.
4. That 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.

5. The use hereby permitted shall be restricted to a maximum of three residents at any one time.
REASON: To enable the Local Planning Authority to retain control over the use of the land.
6. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg PA0717 Rev A.
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

RELEVANT POLICY

17 Design of New Buildings (Core Strategy Policy)

POLB1 Existing Built-Up Areas

POLF1 Car Parking

POLG17 Design Criteria for New Development

Note:

Lancashire County Council Crossing Note

1. The applicant is advised that the new access, will need to be constructed under an appropriate legal agreement. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact Lancashire County Council before works begin on site. Further information and advice can be found at www.lancashire.gov.uk

2. Designing out Crime

Should the applicant wish to make any material alterations/improvements to the security of the dwelling we would advise them to consider incorporating Secured by Design Homes 2016 criteria, which can be located at www.securedbydesign.com. This would take into consideration door and window hardware and security, access control arrangements (if applicable), security lighting, intruder alarm etc.
