

Application Number 07/2019/0126/FUL

Address 2 Rydal Avenue
Walton-Le-Dale
Preston
Lancashire
PR5 4RU

Applicant Cygnet Health Care

Agent Miss Abigayle Boardman

4
The Crossroads Business Park
Freckleton Street
Kirkham
PR4 2SH

Development Change of use of existing dwelling (Class C3) to
Residential Institution (Class C2)

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

Date application valid 01.10.2019
Target Determination Date 26.11.2019
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 institution (Class C2). The use is to provide care for children between the ages of 7-17 years old and will be used as 'solo home' with one young person residing in the property at any time.
- 2.2 The children are placed within a residential setting for their safety, support, guidance and to prepare them for life when they are in their own homes as adults.
- 2.3 No development is proposed and it is 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 There is no planning history to report.

4. Proposal

- 4.1 Planning permission is sought for a change of use of a dwellinghouse (Class C3) to Residential Institution (Class C2).
- 4.2 The property will be used as a "solo home" for the care of one young person, between the ages of 7-17 years, who will reside at the property.
- 4.3 The children and young people will be in Cygnet's care for reasons such as neglect or abuse. They are placed within residential settings for their safety, support, guidance and to prepare them for life when in their own homes as adults. This care ensures they gain the maximum life chances and benefit from all opportunities.
- 4.4 The staff team will consist of 1 homes manager, 1 deputy manager, 2 team leaders and 3 residential care workers covering the property.
- 4.5 The home would only be staffed with 2 workers on site at any one time undertaking a 24 hour shift pattern.
- 4.6 The home would be run as a typical household, and there would be consistent rules and boundaries as any other family home would have. The average length of stay within a solo home would be approximately 8 months.
- 4.7 There is existing off road parking provision within the curtilage of 2 Rydal Avenue for a minimum of two vehicles.

5. Representations

5.1 Summary of Publicity

- 5.1.1 Sixteen neighbours were notified and two site notices have been posted with 12 letters of representation being received.

5.2 Letters of Objection

5.2.1 A total of 12 letters of objection have been received and a summary of the points of object raised are as follows:

Highway Issues

- ☐ Restricted parking, especially at weekends;
- ☐ Extra vehicles would put added pressure on the neighbourhood;
- ☐ Presumably access would be required 24/7;
- ☐ Drive to house is very narrow; could prompt parking on the road;

Character of the Area

- ☐ Is a community with a large number of young children and vulnerable older people;
- ☐ Houses are semi detached and close together, therefore making the so far unexplained plans very unsettling;
- ☐ Any extensions will impact on neighbours by loss of sunlight into gardens;
- ☐ Should be in more discrete locations and not adjacent semi detached properties with young children;
- ☐ Detached property would be more suitable;
- ☐ Lots of young children in the area who play outside their homes;
- ☐ Detached property more suitable;

Noise/Disturbance

- ☐ Rise in crime, antisocial behaviour and noise;
- ☐ Suffered in the past with a youth with disabilities and had 'resident' police and regular visits of ambulance and firefighters;
- ☐ Suffered drugs, parties, loud music, door bells rang, car vandalised and abuse every time we went to the bins which affected our wellbeing;
- ☐ Kids take the mick, others react;

Other Issues

- ☐ Insufficient publicity;
- ☐ Letter received 5 days after date on letter;
- ☐ Insufficient information;
- ☐ Intending to house young people with mental health issues who need staff with them at all times;
- ☐ Will be a revolving door of residents with a range of mental health conditions;
- ☐ Inappropriate use in a residential area;
- ☐ Will affect house prices;
- ☐ Decision should be made by Committee;
- ☐ Welfare and security of residents;
- ☐ Is the property going to be a half house?
- ☐ Will the building be staffed 24 hours;
- ☐ Not the best use of Cygnet resources for one child; wonder what further plans they have for this property?
- ☐ Deeds would have insisted no commercial ventures allowed;
- ☐ Think a developer is looking to cut corners and make money;

6. Summary of Reponses

6.1 **Lancashire County Council Highways** have raised no objection and is of the opinion that the proposed development would not have a severe impact on highway safety or capacity.

6.2 **Environmental Health** have made no comments.

6.3 **Architectural Liaison** have not responded.

7. **Material Considerations**

7.1.1 A 'rebuttal' statement has been submitted by the agent in respect of the representations received; these comments will be incorporated further in the report.

7.1.2 Planning permission is sought for a change of use from a residential dwelling (Class C3) to residential institution (Class C2). No development, in terms of any extensions, are proposed.

7.1.3 This residential area has been chosen for the safety, support, guidance of the children and to prepare them for life when in their own homes as adults.

7.1.4 The home would be run as a typical household, and there would be consistent rules and boundaries as any other family home would have. The average length of stay within a solo would be approximately 8 months.

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

7.2 Principle of development

7.2.1 The Town and Country Planning (Uses Classes) Order 1987 (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 whilst Residential Institution falls within Use Class C2.

7.2.2 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.

7.2.3 '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.

7.2.4 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 The property is presently a three bed dwelling for which two off road parking spaces are required. As part of the proposed use a bedroom is to be used an office/staff sleep and will therefore remain a three bed dwelling.
- 7.4.2 For a use falling within Class C2, one parking spaces is required per four beds. Given that the property will have a maximum of three bedrooms and two care workers on site at any one time, there is ample off road parking available.
- 7.4.3 The number of people who will be travelling to and from the property on a daily basis would be in the region of 2-3 people, and at varying times of the day, as could be expected from a typical 3-bed property.
- 7.4.4 The property is located close to Duddle Lane and Chorley Road with bus stops along the highway providing access to nearby towns such as Leyland, Preston, Chorley and Lostock Hall.
- 7.4.5 The home will have use of a home vehicle which will mean that all staff/residents of the property will be able to travel together in one car for any trips or for general tasks, such as shopping etc.
- 7.4.6 County Highways have raised no objection and is of the opinion that the proposed development would not have a severe impact on highway safety or capacity.

7.5 Character of the area

- 7.5.1 No development is proposed to the dwelling. 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 It has been suggested that in line with the change of use, the level of anti-social behaviour will rise in the area. The property will be run to ensure that the level of care that each child requires can be fully achieved. The household will run as a normal family dwelling with staff present on site at all times.
- 7.6.2 Two members of staff will be on 24 hour shifts providing the care necessary for the child residing in the property. Once their shift is finished, a handover period will take place between the two members of staff who have been on site and the two who will be completing their next shift. There will always be a member of staff present at the site while the child is in the property.

7.7 Residential Amenity

- 7.7.1 The children and young people will be in Cygnet's care for reasons such as neglect or abuse. They are placed within residential settings for their safety, support, guidance and to prepare them for life when in their own homes as adults.

7.7.2 The child will have consistent rules as any other households would, this will include ensuring noise is kept to a minimum. The level of noise generated from this property will be proportionate to that of a 3- bed family home.

7.8 Other Material Considerations

7.8.1 Sixteen neighbours were notified and two site notices posted which is extensive publicity for this type of proposal.

7.8.2 Depreciation of property value and covenants in deeds restricting business use are not material planning considerations.

7.8.3 In respect of concerns in relation to future safety of neighbouring families, the C2 use is not a typical care home and the dwelling will generally operate as a normal household with staff to assist the children with day-to-day care.

7.8.4 No extensions are proposed at this property and will therefore there will be no impact on residential amenity in this respect.

7.8.5 Comments about how the business is run are of no relevance to this application and comes under the remit of Ofsted

8. Conclusion

8.1 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. 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.

8.2 There have been no objections received from statutory consultees.

8.3 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.

8.4 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 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.

3. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg 2RA Plan 1, 2 and 3.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

RELEVANT POLICY

POLB1 Existing Built-Up Areas

POLF1 Car Parking

Note:
