

Application Number 07/2019/1209/FUL

Address 2 Arkholme Drive
Longton
Preston
Lancashire
PR4 5DE

Applicant Cherish UK LTD

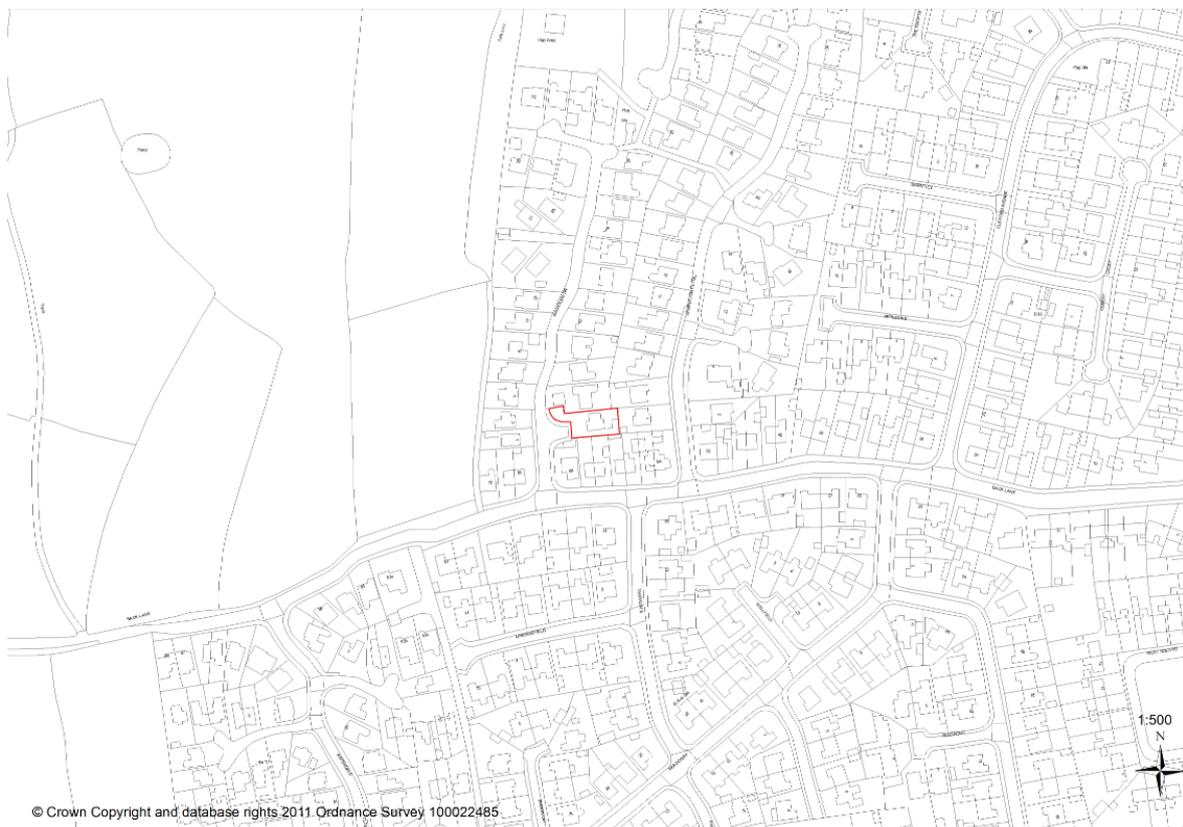
Agent Mr Peter Watson

8 Skyways Commercial Campus
Amy Johnson Way
Blackpool
Lancashire
England
FY4 3RS

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

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

Date application valid 06.11.2019
Target Determination Date 01.01.2020
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 up to three children between the ages of 8-18 years old.

2.2 The nature and purpose of this home is to accommodate low risk looked after children supporting young people.

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 to provide care for up to three children between the ages of 8-18 years old.

4.3 The reason the children are in care is varied and the list is not exhaustive but most looked after children have suffered abuse and become traumatised by their experiences.

4.4 The home will accommodate young people who have not been involved with the police or youth offending teams, display significant pro social behaviours and have no criminogenic factors such as missing from home, gang involvement or substance misuse.

4.5 The home will be staffed by a maximum of three employees on site including one part time. Shift changeovers are 9.30 am and 9.30 pm to ensure there is no impact upon school traffic.

4.6 A waking night member of staff will be present 7 days a week; an on call system is also operated.

4.7 The young people in care will attend mainstream school.

4.8 There is existing off road parking provision within the curtilage of 2 Arkholme Drive for a minimum of three vehicles.

4.9 There is an existing detached garage with an attached office area set to the rear of the dwelling.

5. Representations

5.1 A residents 'drop-in' session was arranged by the applicant on the 4 December 2019 from 16:00-19:30 hours but went on until 20:00 hours.

5.1.1 Invites were posted to 30 properties identified by the Local Planning Authority who had been consulted/made representation about the proposal; 15 people attended the meeting.

5.2 Summary of Publicity

5.2.1 Sixteen neighbours were notified and two site notices have been posted with 36 letters of representation being received.

5.3 Letters of Objection

5.3.1 A total of 33 letters of objection have been received and a summary of the points of object raised are as follows:

5.3.2 Highway Issues

- ☐ Insufficient parking and services;
- ☐ More traffic generated causing a bottleneck;
- ☐ Parking already limited on the street;
- ☐ Additional vehicles by visits from agencies, health care, probation teams, parents, carers and health officials over 24/7;
- ☐ Not room to safely park 3 cars directly outside the property;

5.3.3 Character of the Area

- ☐ Already problems with drugs, aerosols, anti-social behaviour and gangs in the area;
- ☐ Vandalism
- ☐ Would be easy for children in care to either gravitate to the gangs or be selected as easy targets of the gangs;
- ☐ Proposal unsuitable and out of character;
- ☐ Affect amenities of residents on Arkholme Drive, Back Lane and Hambleton Close;
- ☐ No provision for this being a mixed use development;
- ☐ Longton is primarily a village with an affluent and ageing population;
- ☐ Larger town with youth groups, sports centre and better access to resources would be far more suitable.
- ☐ Concerned about safety in the area;
- ☐ Live in a quiet private residential cul-de-sac which is why we moved here;

5.3.4 Noise/Disturbance/Privacy

- ☐ Will adversely affect local residents and create problems and conflict;
- ☐ Privacy is an issue with 8 overlooking properties;
- ☐ Noise will be inevitable with a business being run in a quiet cul de sac;
- ☐ Level of noise that the home will generate
- ☐ Noise from use of office attached to existing garage;
- ☐ Noise from existing decking close to neighbouring property which is accessed from bi-fold door which will mean music, tv, chattering, unruly behaviour will spill out into the surrounding area and will increase even more in the summer months;
- ☐ Concerned with confidential discussions with office being close to neighbours;
- ☐ As a pensioner concerned if the children join gangs that hang around causing problems with their drinking, swearing and general disruptive bad behaviour;

- ☐ Will a curfew operate at the home or will the three teenagers have lots of friends in playing loud music until all hours;

5.3.5 Other Issues

- ☐ Should 8 year old children not have full time supervision;
- ☐ No amenities for the children;
- ☐ No community centre or clubs for the age group;
- ☐ Poor bus service;
- ☐ Title Deeds prevent properties being used for business or commercial uses;
- ☐ Safeguarding is an issue as supervisors office will be separate from the house;
- ☐ Children in care deserve the highest levels of support and care from highly trained specialists, within the right environment;
- ☐ Concerns about Cherish UK as a care provider;
- ☐ Have Cherish evidence that each of their current properties have not had any issues with anti-social behaviour, access to adjoining properties, increase in traffic, no adverse disturbance to residents of any sort;
- ☐ Residents should be made aware of any issues with similar homes run by Cherish;
- ☐ There will never be an end to children being resident in this property;
- ☐ If approved and there are issues with increased traffic, anti-social behaviour, unacceptable noise etc, will Cherish UK be forced to sell the house and change use back to residential?
- ☐ Could the home be taken over by another Care Company to house children with a history of anti-social behaviour?
- ☐ Is the home only for the children specified?
- ☐ Been no consultation with residents by Cherish;
- ☐ Application has been underhand and a foregone conclusion;
- ☐ Cherish describe the children as 'low risk' – to whom and by whose standards does this definitions apply.
- ☐ Researched the Company with contradicting results.
- ☐ If children are youth offenders they will attract like minded people to hang around the premises;
- ☐ How will Cherish guarantee the children's safety – Rochdale comes to mind;
- ☐ Police presence is nil in the village;
- ☐ Policy B1 in the South Ribble Local Plan quoted;
- ☐ Insufficient publicity;
- ☐ Initial letter suggested application was going to be pushed through under delegated powers;
- ☐ Cherish state home will be used for lowest risk residents, including those that we are assisting to become independent and economically viable adults. What is meant by including; wording strongly suggests not all children will be assisted in this way. Does this mean that some children have reasons why they would not be able to achieve this goal?
- ☐ 'Less complex' category is very vague;
- ☐ Far more beneficial to invest in family foster services than residential care and that outcomes of residential care are worse than foster care;
- ☐ Lack of clarity in application;
- ☐ Inadequate time to respond;
- ☐ Residents meeting too late;
- ☐ Concern for children in the surrounding area;
- ☐ If a child absconds, who looks after the others;
- ☐ Concerned about whether staff are suitably qualified;
- ☐ Been many frightening reports of incidents in local children's homes, and Cherish need to address our fears;
- ☐ Description of proposal is unrealistic;
- ☐ Pollution from extra traffic;

- ☐ Process has not been transparent; there has been secrecy and lack of information;
- ☐ Cherish UK have not contacted residents;
- ☐ Care for young grandchildren and don't want their safety compromised;
- ☐ Devalue house prices;
- ☐ Due to the nature of my job as a Police Officer, concerned that I will have had professional dealings with proposed occupiers of the property and/or will have, in the future, professional dealings with the proposed occupiers of the property;

5.4 **Letters in Support**

5.4.1 Three letters in support of the application has been received. Commenting as follows:

- ☐ Through personal experience they have achieved a good and successful life which was built on the foundations and teachings of a mentor whilst living in a children's home not dissimilar to the one being proposed. If it were not for this environment, their life may have turned out very differently. These children should be welcomed into our neighbourhood and given the best chance.
- ☐ Shocked by what has been said;
- ☐ Would rather live next to children who have nothing than a resident who comes out with absolutely absurd comments;
- ☐ Neighbours should be ashamed to imply these children will cause trouble;
- ☐ Community is about supporting one another and will bring my son up to accept and realise how lucky he is to have a mum and dad;
- ☐ These children have been let down by their parents, yet residents already find them guilty;
- ☐ Leave me feeling anxious;
- ☐ Concerned home will be used for young offenders;
- ☐ Potential change is an absolute disgrace;

6. **Summary of Responses**

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 Policy

7.1.1 **National Planning Policy Framework**

7.1.1.1 Paragraph 91 under Section 8: Promoting healthy and safe communities seeks to ensure that decisions should aim to include healthy, inclusive, safe, places.

7.1.2 **Central Lancashire Core Strategy**

7.1.2.1 **Policy 1: Locating Growth** focuses growth and investment on well located brownfield sites in the key service centres and main urban areas of South Ribble. Growth and investment will also be encouraged to help meet local housing and employment needs and to support the provision of services in Longton.

7.1.2.2 **Policy 7(e) Affordable and Special Needs Housing** seeks to provide extra care accommodation to be provided in well located in communities thereby reducing the need to travel.

7.1.2.3 **Policy 23(a) Health** seeks to integrate public health principles and planning, helping reduce health inequalities and in particular to improve primary care access and facilities.

7.1.2.4 **Policy 25(a): Communities Facilities** ensures that local communities have sufficient community facilities provision by working with public, private and voluntary sector providers to meet demonstrable need.

7.1.3 **South Ribble Local Plan**

7.1.3.1 **Policy B1: Existing Built-Up Areas** 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.

7.1.3.2 **Policy F1: Parking Standards** 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 provision for the parking of two bicycles.

7.1.3.3 **Policy G17: Design Criteria for New Development** permits development which, amongst other things, does not have a detrimental impact on neighbouring buildings or on the street scene. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect.

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 Highway Considerations

7.3.1 The application property has three bedrooms and as a residential dwelling, two off road parking spaces are required. A minimum of three off road parking spaces are available on site together with unrestricted parking being available on the highway.

- 7.3.2 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.
- 7.3.3 Shift changeovers are 9.30 am and 9.30 pm which will ensure that there is limited impact upon school traffic.
- 7.3.4 There are bus services within the local area, the nearest bus stop being set some 35m to the south on the A59 Liverpool Road.
- 7.3.5 Cherish operate a free cycle scheme to employees and encourage the use of public transport.
- 7.3.5 The children will come and go from school/college and will go on shopping trips etc sharing one car for the majority of the time.
- 7.3.6 Looked after children do not receive constant visits by Social Workers, Police, Community Healthcare, Teachers or any other Local Authority professionals.
- 7.3.6 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.
- 7.3.7 The proposal meets with the Parking Standards set out in Appendix 4 in the Local Plan and therefore accords with Policy F1 and G17.

7.4 Character of the area

- 7.4.1 No extensions are 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.
- 7.4.2 There is a statutory duty under the Children Act 1989 for the relevant authority to place children near their home, is within the local authority's area and does not result in their education being disrupted.
- 7.4.3 The children need to be cared for in a homely and close knit community environment. As such it is considered that the nature and use of the proposal accords with Policy G17 in the Local Plan.

7.5 Noise and Disturbance

- 7.5.1 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.
- 7.5.2 There will be a maximum of three staff members on site, including one part time. A waking night member of staff will also be present 7 days a week.
- 7.5.3 Due to the nature and use of the property it is considered this will not result in unacceptable noise and disturbance and as such complies with Policy B1 in the Local Plan.

7.6 Residential Amenity

- 7.6.1 The children and young people will be in care for reasons such as neglect and have become traumatised by the very people who should be showing them love and keeping them safe.
- 7.6.2 The home will support children between the ages of 8 to 18 who behave pro-socially, have no involvement with the police or youth offending teams and have no criminogenic factors.
- 7.6.3 The children will be in full time education and will live long term as a family unit with support to prepare them for adulthood. The children will engage with the community in a positive way.
- 7.6.4 Due to the aforementioned it is therefore considered the proposal will not have a detrimental impact upon the residential amenity of adjacent properties and as such accords with Policy B1 in the Local Plan.
- 7.7 Other Material Considerations
- 7.7.1 A 'Third Party Correspondence and Consultation Documents' has been submitted by the Applicant's agent responding to representations received; these comments will be incorporated further in the report.
- 7.7.2 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.
- 7.7.3 The home will be registered for up to three children and will be run in line with Ofsted regulations and within Cherish UK's statement of purpose which is a statutory document.
- 7.7.4 The home will be occupied by lowest risk residents, including those who are being assisted to become independent and economically viable adults.
- 7.7.5 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.
- 7.7.6 Sixteen neighbours were notified and two site notices posted, one on Arkholme Drive and one on Back Lane; this is extensive publicity for this type of proposal.
- 7.7.7 Depreciation of property value and covenants in deeds restricting business use are not material planning considerations.
- 7.7.8 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.
- 7.7.9 A condition can be added to restrict the use of the home by Cherish Care if this is deemed necessary.
- 7.7.10 Should the home be used as a home for young offenders, the property would require a change of use to C2a (Secure Residential Institutions).
- 7.7.11 Comments about how the care home is run are of no relevance to this application and comes under the remit of Ofsted.

7.7.12 Subject to appropriate conditions, it is considered the proposal accords with all relevant policies.

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 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.
4. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg MCS/066/003 Rev A.
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:
