

Application Number 07/2021/01041/FUL

Address 2 Maplewood Close
Leyland
Lancashire
PR25 1HP

Applicant Northridge Care Group LTD

Agent

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Development Change of use of C3 Dwelling to C2 Residential institution (to accommodate three children, aged 8-17 with carers) (amended description)

Officer Recommendation **Approval with Conditions**
Officer Name **Emma Sheppard**



Date application valid 07.10.2021
Target Determination Date 02.12.2021
Extension of Time ???

1. Introduction

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

2. Report Summary

2.1 Planning permission is sought for the change of use of the existing dwellinghouse (Use Class C3) to a Residential Institution (Use Class C2) to accommodate three children aged 8-17 with carers. It is to be noted that the description of development was altered during the application process due to a discrepancy between the application forms and the Supporting Statement. Given that this was related to age of the children and no other factors, re-notification was not deemed necessary in this instance.

2.2 At the time of writing the Committee Report, 15no. written representations have been received along with a petition with 52 names.

2.3 There are minimal internal alterations proposed and no external alterations planned to facilitate the use.

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, 4no bedroom detached dwellinghouse fronting Maplewood Close, a residential cul-de-sac comprising 13no dwellings to the south-west of Leyland town centre.

3.2 The surrounding area comprises residential dwellings arranged in a linear fashion fronting Maplewood Close. The dwellings vary in size and style. To the west of Maplewood Close is a row of two storey dwellings of similar style with bungalows directly opposite the site.

3.3 The property is a 4no bedroom property which benefits from a small-scale conservatory to the rear elevation and a block paved driveway partially enclosed by a low height brick planter.

3.4 The site is situated within an existing built-up area as defined by Policy B1 of the South Ribble Local Plan.

4. Relevant Planning History

4.1 07/2005/0239 – Dormer to side elevation – Approved

5. Planning Proposal

5.1 This application seeks planning permission to change the use of the property from a dwellinghouse (C3) to residential institution (C2) to accommodate three children/young adults (aged 8- 17) at any one time.

5.2 The home would be managed by a company called Northridge Care Group Ltd. The home will be staffed by carers who work on a shift patterns to provide 24 hour care for the children. Three or four staff will be present on site daily at any one time working on a rota basis with shift patterns being around 8am, 5pm and 10pm with a handover period after each shift. The staff would arrive by car and function as the children's carers, taking them to

school and other extra-curricular activities. The applicant has stated that any visitors are infrequent and all visits would be pre-arranged.

5.3 There would be no external changes to the property to facilitate the use with the plans showing internal alterations at ground floor proposing the removal of the utility at ground floor to provide a WC/shower room and managers office and one of the bedrooms at first floor to be used as a staff bedroom/office.

5.4 The property benefits from a paved driveway which would allow for on-site parking of up to 3no. cars

6. Representations

15 letters of objection received with the points summarised below:

- Lack of neighbour notification
- It's a business to make money
- Business use in a residential area
- Business model seems inaccurate
- Insufficient amenities
- Insufficient parking
- Lack of privacy
- Noise and disturbance
- Covenant issues
- Loss of sense of community
- Conflict of interest due to jobs
- Depreciation of house value
- Potential for vandalism and abusive behaviour

It is also to be noted that a letter with petition was submitted with 52 names. The petition raises objections on the grounds of increased noise, lack of allocated parking and vulnerability and safety of existing residents.

7. Consultation Replies

7.1. *LCC Highways* – Amended plans were submitted. No objections were raised subject to a condition ensuring that the use shall not commence until the car parking area has been completed with the layout to remain in perpetuity with the driveway to be consolidated and bound in porous materials.

7.2. *Environmental Health* – No objections subject to conditions

8. Material Considerations

8.1 Principle

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 three children between the ages of 8 and 17 on admission. This will be staffed by carers who will work on a shift basis to be able to provide 24hr care.

8.1.7 The neighbouring properties to the north, south, east and west are primarily in residential use. The lawful use of the application property itself is as a dwellinghouse that lies within an existing built-up area and that lies less than a mile from Leyland town centre and within 150m of a bus route along Fox Lane, therefore within a sustainable location.

8.1.8 In land-use terms, the proposed use appears very much like a large family home providing residential accommodation for up to 3no. young persons, 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 nuisance 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 three young persons and a maximum of 3 staff members. The staff will work on a 24 hour rota meaning staff change overs will occur at 8am, 5pm and 10pm. The staff change overs are not considered to result in any noise or disturbance on or 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 has explained the aim is to provide a family environment with 24/7 care. During the day the children and young people will attend school and college and therefore the daytime activities would be similar to a residential home.

8.2.3 In assessment, it is conceded 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.

8.2.4 In land-use terms, the proposed use appears very much like a large 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 were consulted on the application and raised no objections in principle subject to conditions. With the safeguard of these conditions relating to implementing all measures detailed in the submitted Noise Management Plan and that all windows shall be fitted with acoustic glazing shall ensure neighbours amenity is further protected.

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 There are no external alterations planned to facilitate the use hereby applied for therefore the exterior of the property and the outward appearance of the building would remain that of a detached dwellinghouse with minimal to internal reconfiguration which does not require permission.

8.3.2 There may be several cars present at any one time, but those visual impacts 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 and 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 raised stating the proposal will exacerbate existing on-street parking, access and visibility issues due to insufficient parking being provided based on the number of staff and any visitors.

8.4.4 The property is a four bedroom dwelling. Amended plans were received demonstrating the site could accommodate three spaces more comfortably along with the access requirements. Updated comments from Highways were received raising no objections subject to the imposition of a condition ensuring formal layout of the parking prior to first use. This should remain in perpetuity.

8.4.5 In reaching this conclusion, the Lancashire County Councils five year data base for Personal Injury Accident (PIA) was reviewed. This indicates that there have not been any recorded incidents within the vicinity of the proposed access for the last five years. Whilst it cannot be contested that the proposed change of use will result in the increase traffic attraction to the site, it has been confirmed that the site access is of a good standard with no on-street restrictions. 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; privacy; noise and highways/car parking, have been addressed in the appraisal section and, where necessary, controlled through conditions

8.5.2 Neighbour notification was carried out to 13no properties and a site notice was displayed opposite the site.

8.5.3 The presence of a restrictive covenant and depreciation in house value are not material planning considerations.

8.5.4 Issues relating to the business are not material planning considerations.

8.5.5 The management plan states that the children will have behavioural needs. These elements, however, are not concerned with the use of the property.

9. Conclusion

9.5.1 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.

9.5.2 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 3no. children/ young adults reside at the property at any one time.

9.5.3 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.

9.5.4 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
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area (and any associated turning space) shown on the approved plans has been completed. The parking (and manoeuvring) area(s) shall thereafter always remain available for parking of vehicles associated with the dwelling. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced in bound porous materials, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety and in accordance with policy F1 of the Local Plan and the requirements of the NPPF

4. All measures detailed in Noise Management Plan shall be implemented in full.

Reason: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and NPPF.
5. All service user bedrooms shall be fitted with acoustic glazing, as a minimum standard this shall consist of double glazing with acoustic trickle vents.

Reason: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and NPPF.
6. An electric vehicle recharge point shall be provided to the property, prior to occupation. This shall consist of as a minimum a 7kWh charging rate and an electrical socket located externally (or in the garage if available) in such a position that a 3-metre cable will reach the designated car parking spaces. A switch shall be provided internally to allow the power to be turned off by the residents. The electrical charging point shall be fitted with a weatherproof cover.

Reason: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

- 7 Affordable and Special Needs Housing
- 17 Design of New Buildings

South Ribble Local Plan 2012-2026

- B1 Existing Built-Up Areas
- F1 Car Parking
- G17 Design Criteria for New Development

Note:

1. Highway Crossing Note: This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (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-and-travel/roads/vehicle-crossings.aspx> (For multiple vehicular crossings please ring 0300 123 6780 and ask for a bespoke quotation.)
