

Application Number 07/2022/00378/FUL

Address 6 Worden Close
Leyland
Preston
Lancashire
PR25 1FL

Applicant Continuity Care Ltd

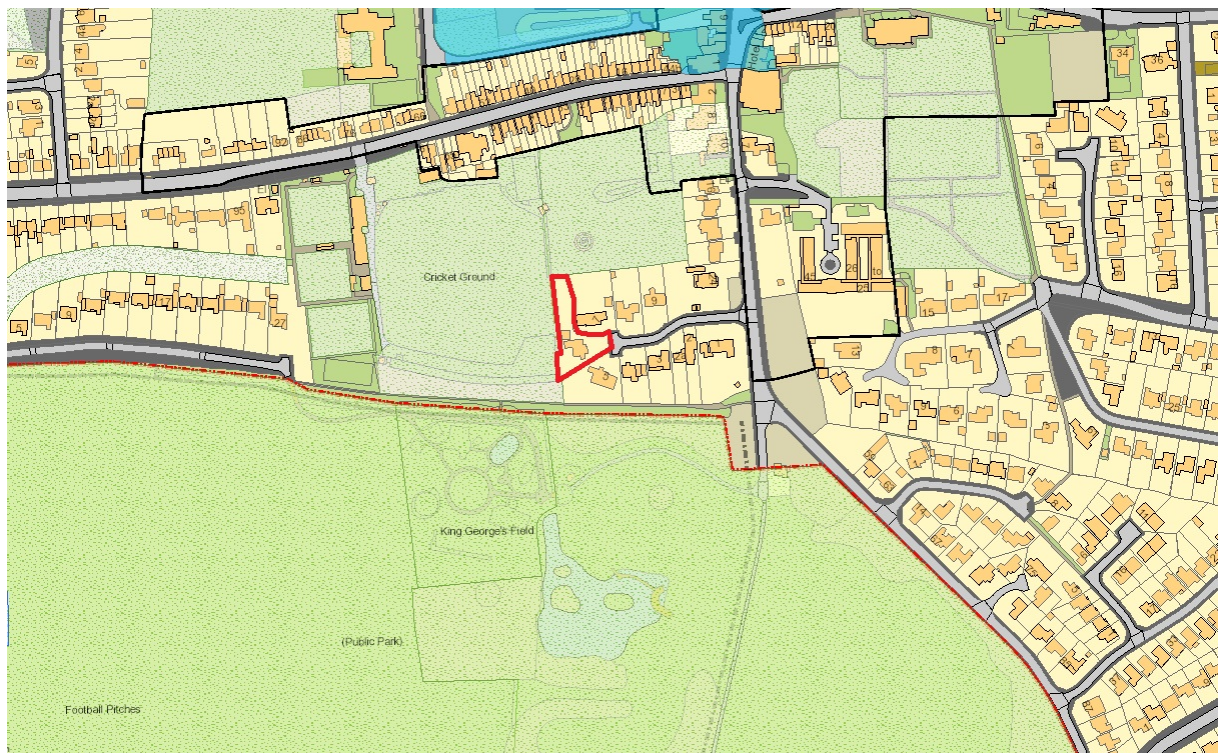
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undefined

Development Change of Use from residential to children's home for up to 4 children of school age

Officer Recommendation **Approval with Conditions**
Officer Name **Daniel Power**

Date application valid 09.05.2022
Target Determination Date 04.07.2022
Extension of Time



1. Report Summary

1.1. The application proposes change of use of 6 Worden Close from a dwellinghouse (use class C3) to a children's home (use class C2) for up to 4 children of school age. The home would offer care for a maximum of four children of school age, would be permanently staffed and can provide for sufficient off-road parking within the site. 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 10 objection letters including an objector submitting a transport assessment 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 of school age. There would be no physical change to the house or its outside space.

2.2. The site is located to the west of Worden Land, and forms part of a number of dwellings on Worden Close, within Leyland. The existing dwelling is a two storey detached property, with a detached garage, off street parking to the side and front and a garden to the front and rear. There is a TPO to the north of the garden area.

3. Site Context / Planning History

3.1. There is one relevant planning application history of this site:

- 07/1998/0046 - One Detached Dwellinghouse and Garage. – Approved with 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). There would be no physical change to the house or its outside space.

4.2. The application proposes a children's home for a maximum of four children aged from 8 to 18 years. They would be looked after by two carers sleeping overnight working on a rota basis, with a further carer visiting during the day. 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. During the day, there could be 2 members of staff in the property at any one time.

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 Seventeen neighbouring properties have been consulted with ten letters of objection being received, which can be summarised as follows:

Objecting

- The development would have a detrimental impact to neighbouring amenity due to noise, disturbance and loss of privacy.
- The proposal would be harmful to the character of the area.
- The proposal would have a harmful impact to local highway safety and would provide insufficient parking
- There is a restrictive covenant on the property.
- The homes inability to restrict movement of the children, any proximity to existing disruptive behaviour expressed by groups of local gangs would put the children at additional risk and it is likely they will be attracted to these groups of youths.
- There is no demand for the development.
- The proposal would have a harmful impact to local children.
- The proposal is contrary to Blackburn and Darwen guidance for Children's homes.
- The development would require internal works (smoke alarms, fire systems etc) which the building works would be harmful to neighbouring amenity.

6.3 A Transport Objection was also received carried out by a Transport consultant commissioned by an objector and can be summarised as follows:

- Current on-street parking pressures arise from legitimate visitor and service vehicle parking for the existing houses, but is compounded by uncontrolled public parking by people accessing nearby Worden Park.
- The parking also creates particular problems for larger vehicles including delivery and emergency services vehicles, which are unable to turn round. This has led to incidences of drivers having to perform unsafe reversing manoeuvres out of the Close into Worden Lane.
- The neighbouring borough council of Blackburn with Darwen has produced planning guidance for developers seeking planning permission for the change of use of existing buildings into residential children's homes.
- With the majority of staff movements and other visits likely to be undertaken by car it is clear that the change of use will intensify traffic and parking beyond the levels of a typical family home.

- The inadequate space within the site to accommodate the parking and manoeuvring of vehicles generated by the development, this will have a detrimental impact to the local highway and amenity.

The highway authority has commented on this. A summary of this can be found within this report.

7. Summary of Consultation Responses

7.1. South Ribble Environmental Health - Having reviewed the application, the department has no objections to the development in principle. However, there is little detail provided on the nature of the occupants and this department has received a number of complaints recently from neighbours regarding homes which cater for clients with physical and/or mental disabilities. This has led to action being taken against the providers of the home. It is therefore advised that the applicant considers carefully the nature of the future occupants and ensures suitable measures are taken to prevent any adverse impact on the neighbouring properties.

7.2. Lancashire County Council Highways - I write further to your consultation of 9 May 2022 on the above application and on.

LCC have no objections to the proposal having considered all the information provided by the applicant to date and following a site visit of 7 June 2022. The officer considered the change of use from residential to children's home for up to four children of school age, would 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 Worden Close. Following the officer reviewing 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 Worden close or around the junction of Worden Close onto Worden Lane for the last five years.

The proposed change of use may result in increased traffic to the site; however, the highways officer considered this is an access only road with a good road safety record. Therefore, LCC have no objections.

7.3. The Highway Authority made further comments following the submission of a Highways Objection from a Highway consultant which where the following:

In relation to the attached Transport objection for 6 Worden Close by SW Transport Planning Ltd, several points are raised most regarding parking and traffic movement. I shall respond to the points which I think are relevant and in the order they have been raised.

2.2 The "Except for access" restriction was implemented by South Ribble Borough Council in 1970's and there is a traffic regulation order (TRO) for this. This prohibition restriction is enforced by the police and if the residents feel this restriction is ignored they should contact the police on their non-emergency telephone number 101 or via their website: <https://doitonline.lancashire.police.uk/> . Unfortunately Lancashire County Council Parking Services cannot enforce such a restriction, however LCC have not been made aware of any parking infringement in connection with this road.

2.3 Any larger vehicles which are accessing the cul-de-sac are there for a limited time delivering or collecting goods. As such any potential issues with regards larger vehicle traffic is temporary. It is not considered that the development would result in any significant increase in larger vehicle access requirement.

2.4 Residents all appear to have ample on street parking. On my first site visit there was limited on street parking noted, nothing to cause highway safety concern or impact traffic flow, and the footways have sufficient room for pedestrian and vulnerable road users to use. On my second site visit there was one vehicle parked right at the beginning of Worden Close and one vehicle parking along the turning head, however a utility van and my own vehicle were still able to use the turning circle and access the street without issue.

Figure two and three along with point 2.5 are in contrast to my site visits and the most recent satellite image of Worden Close, which shows no on street parking and the turning head clear. As stated above, the properties all have ample on site car parking provision and there is no obvious reason why there appears to be heavier on street parking at the occasion as photographed. The turning head was clear and not obstructed on my first visit and as mentioned above on my site visits there was limited on street parking, not enough to cause concern or impact traffic.

2.5 Figure 3 does not support the claim that insufficient space is available for service vehicles to manoeuvre.

2.6 Having checked with Lancashire County Council Parking services, they have received no request for enforcement of the double yellow line (DYL) restriction in the past 12 months. If residents wish to report incidents of vehicles not adhering to the DYL restrictions they can do so via <https://www.lancashire.gov.uk/roads-parking-and-travel/parking/report-a-parking-problem/> . Please note that it is not always possible to send an officer to the scene immediately. The County Council own conclusion does not support the view that on street parking demand is significant along Worden Close

2.7 Whilst vehicles should adhere to the highway code, national guidance provided by the Department for Transport within the document "Inclusive Mobility" indicates the absolute minimum distance for a footway width is 1m for a maximum distance of 6m. and while not condoning footway parking this minimum width appears to be generally available.

2.8 The County Council has seen no evidence to suggest access for delivery vehicles and emergency service vehicles has been compromised and the document does not provide any such detail.

2.9 The possible introduction of resident permit parking would NOT prevent legitimate visitor and service vehicle parking for the existing houses. Service vehicles would be exempt and visitors would have temporary visitor passes. An extension of double yellow lines would remove on street parking. There is no evidence to suggest this is necessary.

Section 3 - All of points under section three of this document have already been covered by the above and do not change my opinion of the fact that this change in use would be no different from a large family residing in the dwelling and would

create a similar amount of traffic flow and that the parking requirement can be safely accommodated.

Figure Five currently shows the existing layout of the property. As the dwelling is not changing physically, the existing parking conditions have already been approved for the property previously by South Ribble Borough Council. As such I would not suggest a change in parking when the dwelling itself is not being altered. There are no objections to vehicles reversing onto a residential estate, which is a common practice.

Section 4 – Paragraphs 4.1 to 4.4 refers to the National Planning Policy Framework (NPPF). Using this guidance there are no highways grounds to refuse this planning application. LCC Highways do not believe it would be possible to reasonably substantiate a highway safety objection at appeal stage compliant with NPPF guidance.

It is our understanding that planning obligations should not be used to address existing highway/traffic issues. Notwithstanding this from my site visits (and with no LCC record of highway concerns prior to the application) there do not appear to be existing highway/traffic issues.

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 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. Internal fittings such as those proposed by the Police are also seen on most modern properties regardless of their residential status (e.g., alarms, cctv). 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.

8.8 Neighbouring amenity

8.9 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.

8.10 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 5-bedroom detached property, with a lounge, family room, kitchen, study and dining room at the ground floor with the bedrooms at the first floor. The existing house could, with two adults in one bedroom and one child in each of the remaining bedrooms, house 6 occupants. Furthermore, a family occupying the existing house could have more than two people over the age of 18.

8.11 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. 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 goings of the proposal would have a significant impact to neighbouring amenity by disturbance or noise.

8.12 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.

8.13 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.

8.14 Highways

8.15 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.

8.16 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 6 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 cars within the site.

8.17 The Highway Authority has advised they have no objections to the proposal, commenting that the site benefits from ample off street parking, as do the rest of the properties along Worden Close. Furthermore, following the submission of the Transport Objection the highway officer commented that *'...and do not change my opinion of the fact that this change in use would be no different from a large family residing in the dwelling and would create a similar amount of traffic flow and that the parking requirement can be safely accommodated.'* In addition the officer commented that *'...There are no objections to vehicles reversing onto a residential estate, which is a common practice.'* Having regard to the existing level of parking, within the site and the potential for parking demand of the existing house and the proposed level of use, it is considered the proposal would provide sufficient parking within the site.

8.18 Objections have been received relating to existing parking issues within Worden Close. If there are existing parking issues within the close there are other means to enforce this that the highway offices advises. This application should considered the parking demand for the use and if appropriate level of parking has been provided, which as outline above, officer considered they have been.

8.19 The highways authority 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 Worden close or around the junction of Worden Close onto Worden Lane for the last five years. The proposed change of use

may result in increased traffic to the site; however, this is an access only road with a good road safety record. 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.

8.20 Other Matters

8.21 Objections have been received relating to covenants on the property, this is not a material planning consideration. In addition, reference has been made by a number of objections to Blackburn and Darwen guidance for Children’s homes. This is not adopted policy document by South Ribble, therefore is given little weight in its consideration.

9. RECOMMENDATION

9.1. 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.

9.2 None of the Councils statutory consultees have an objection subject to relevant conditions. The house would effectively be no different to any normal family home, and having regard to the above commentary, 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:

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 Site Location Plan, 3103-01
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

RELEVANT POLICY

NPPF	National Planning Policy Framework
3	Travel (Core Strategy Policy)

- POLB1** **Existing Built-Up Areas**
- POLG17** **Design Criteria for New Development**
- POLF1** **Car Parking**

Note:
