



**PLANNING COMMITTEE: Thursday,
21 March 2024**

Report of: Corporate Director of Transformation, Housing & Resources

**Relevant Portfolio Holder: Councillor Deputy Leader & Portfolio Holder for
Planning & Community Safety**

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SUBJECT: PLANNING APPLICATION REF: 2023/0983/FUL

**PROPOSAL: Change of Use of Residential Dwelling (Use Class C3) to Children's
Homes (Use Class C2) with all associated facilities**

APPLICANT: Oneness Childrens Care Ltd

ADDRESS: 2C Moorfield House, Moorfield Lane, Scarisbrick

**REASON FOR CALL IN: Application has been called in by Cllr Blundell to consider
impacts on neighbouring properties**

Wards affected: Rural West;

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks full planning permission for the change of use for a house to a children's home for up to 3 dwellings.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission be granted subject to conditions

3.0 THE SITE

3.1 The site is located on Moorfield Lane and comprises a detached four bedroomed house with a private rear garden and off road parking to the front. There are dwellings to either side of the application site.

4.0 PROPOSAL

- 4.1 The proposal seeks planning permission for the change of change of use from residential dwelling (Use class C3) to a children's home (Use class C2) at 2C Moorfield Lane.
- 4.2 The property would be managed by Oneness Childrens Care Ltd and would be the primary home for up to three children who would be accompanied by trained members of staff 24 hours a day. There will additionally be day shift member of staff resulting in a total number of 8 staff working within the property.
- 4.3 The home will accommodate children with autistic spectrum disorders, ADHD, social/emotional difficulties and associated challenging behaviours such as post traumatic stress disorder.
- 4.4 There are no external or internal changes to the appearance of the property. The property benefits from 5 parking spaces.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 No relevant previous decisions

6.0 OBSERVATION OF CONSULTEES

- 6.1 Environmental Health – no objection subject to a noise management scheme
- 6.2 LCC Childrens Services – The proposed home would meet an identified gap in provision, in that it is for children who require small homes and higher staffing rations and appears that it will specialise in children with autism and ADHD.
- 6.3 Lancashire Police – the address is very close to a canal, marina and some caravan parks. Should a placed child be a previous victim of CCE and CSE then there is ready available of transient accommodation for an abuser to follow then and further offences to be committed.

Should mental health and suicidal ideology be a factor then the fast road the property is on and nearby bodies of water would present a safeguarding risk.

7.0 OTHER REPRESENTATIONS

- 7.1 Scarisbrick Parish Council have raised an objection on the basis that there are a number of existing similar facilities within the Parish which have caused upset to residents, that there is no need for the facility and that the Police have commented in relation to potential child safety risks.
- 7.2 1 representation has been received from a neighbouring property. This raises the following material objections:
 - Risk to their children
 - Overlooking from existing bedroom windows
 - Anti-social behaviour
 - Parking provision

8.0 SUPPORTING INFORMATION

- 8.1 Planning Statement
 - Staff rota
 - Risk Assessment
 - Complaints Policy
 - Statement of Purpose

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 provide the policy framework against which the development proposals will be assessed. The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027.

West Lancashire Local Plan 2012-2027

SP1 – A Sustainable Development Framework for West Lancashire
GN3 – Criteria for Sustainable Development
RS1 – Residential Development
IF2 – Enhancing Sustainable Transport Choice

Supplementary Planning Documents

Design Guide (2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

- 10.1 The main considerations for this application are:

Principle of Development
Character and Appearance
Residential Amenity
Anti-Social Behaviour
Highway Safety
Other Matters

Principle of Development

- 10.2 The application relates to an existing dwellinghouse which is located within a principally residential area. Tarleton with Hesketh Bank is a Small Rural Village as defined by Policy SP1 of the West Lancashire Local Plan 2012-2027. As such, the location is considered to be sustainable.
- 10.3 The property will allow care to be provided for up to 3 children who have complex needs and learning disabilities such as autism. There will be a total of 8 staff with 2 staff rotating on a 48 hour shift pattern and a further member of staff during the day time. This would equate to the potential size of a household which could at

present reside at the property of two parents and a child per bedroom (although this could be greater).

- 10.4 The use is similar to that of a residential dwelling housing in so far as the children would have private bedrooms, go to school where possible and partake in activities within and outside the homes. Planning permission is required following the case of *North Devon DC v FSS and southern Childcare Ltd [2003]*. This case concluded that children alone are unable to function as a C3 use class where carers are non-resident at the property which moves the use into the parameters of a C2 use class.
- 10.5 The proposed development would comply with the aims of Policy SP1 in that it provides specialist accommodation within a sustainable location.

Character and Appearance

- 10.6 Policy GN3 of the Local Plan requires all new development to have regard to the visual amenity of the surrounding area and complement or enhance any attractive attributes through sensitive design including appropriate siting, orientation, scale, materials landscaping and boundary treatments.
- 10.7 In addition, the SPD Design Guide states that new development should be of an overall scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that building(s) height, scale and form, including the roofline, do not disrupt the visual amenities of the streetscene and impact on any significant wider landscape views.
- 10.8 The National Planning Policy Framework paragraph 135 (f) requires that development should create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity.
- 10.9 Impacts on character and appearance of an area are not always limited to visual appearance but can also be about the nature of development and its impact on sense of place. Objections have been received in relation to the impact on the general amenity of the area.
- 10.10 The property is a 4 bed detached property with front drive way and rear private garden. The level of activity associated with 3 cared for children by 3 members of staff on duty during the day/evening and 2 overnight will result in short periods throughout the day where handovers are occurring or there may be care visits. However, it is not considered that the level of comings and goings which may be required to meet the day to day needs of the children would generate such a significant level of activity which would be significantly different in its levels of activity to a typical dwelling if the household were made up of parents and 3 children. It is not considered therefore that harm would be caused to the character of the area.
- 10.11 There are no alterations to the external or internal floor plans of the dwelling. The dwelling benefits from parking for up to 5 vehicles and no further parking would be required.

10.12 The change of use is considered to be appropriate to the style, scale and proportions of the main dwelling and accords with Policy GN3 of the West Lancashire Local Plan and the requirements of the National Planning Policy Framework. The proposal is considered acceptable in regards to the impacts on character and appearance.

Residential Amenity

10.13 The NPPF at paragraph 135 (f) requires that planning should ensure that developments provide a high standard of amenity for all existing and future users. Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.

10.14 The Objector has raised concerns about the integration of the proposal into the community and that the proposal could lead to increased instances of anti-social behaviour with additional noise and disturbance impacting on the enjoyment of properties. Concerns have also been raised about inappropriate behaviour from bedroom windows. In regard to the windows, the window closest to the boundary with the objector will be a staff bedroom which is a locked room so could not be used by the children/young people.

10.15 In relation to disturbance, there will be an element of noise associated with the use of the site given the number of occupants proposed, this is unlikely to be greater than a family with four children occupying the five bedroomed property. There have been no objections raised by the Environmental Protection Team although they have requested a noise management plan which is included as a proposed planning condition.

10.16 Concerns have been raised over the impacts of cars on the amenity of the area. A property of this size could be lived in by a family with a high level of car ownership. The timing of shift patterns are at reasonable hours of the day/evening and it is not considered that there would give rise to a significant degree of noise and disturbance over and above that which could be generated by the house to a level of which would sustain the refusal of the application.

10.17 A condition will limit the use of the property to occupancy of no more than 3 children to ensure that there are no additional uses of the property.

Anti-social Behaviour

10.18 Concerns have been raised over the management of the facility and child safeguarding in relation to the comments from the Police. The management of children's homes and child protection is a matter for Ofsted and other government legislation under The Children's Act. These are no land use considerations and therefore any comments made on the basis of the service and how it could be run should not be afforded weight in the determination of the application.

10.19 In respect of the comments made by Lancashire Police, the application is supported by a range of risk assessments and the Statement of Purpose notes

that safeguarding is key to the running of the facility in order to keep the children/young people safe.

- 10.20 Planning conditions cannot be imposed which require compliance with other regulatory regimes which the facility will have to be in compliance with such as Ofsted etc.

Highway Safety

- 10.21 Paragraph 115 of the National Planning Policy Framework sets out 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.
- 10.22 The application does not result in additional parking or a change to any access and provides levels of car parking which are in excess of those required by policy.

11.0 CONCLUSION

- 11.1 It is concluded that the proposal meets with the requirements as set out within the West Lancashire Local Plan and the National Planning Policy Framework.

12.0 RECOMMENDATION

- 12.1 That the planning application be APPROVED subject to the following conditions:
1. The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 1990.

2. The development hereby approved shall be carried out in accordance with details shown on the following plans:

Location Plan Drawing No 003
Proposed Floor Plans Drawing No 002
Proposed Site Layout Drawing No NB23_34/102

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 of the adopted West Lancashire Local Plan 2012-2027.

3. The premises shall be used for a three persons children's home and for no other purpose including any other purpose in Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 2020 (or any Order revoking or re-enacting that order with or without modification), without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the use of the site having regard to the nature of the site and the circumstances of the application to protect the amenity of the area

and in the interests of residential amenity in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027.

4. Prior to the commencement of use, a noise management scheme for the operations of the Childrens Care Home shall be submitted to the Local Planning Authority for written approval.

The noise management scheme shall review all noise making activities and shall identify appropriate control methodologies for reducing and/or limiting noise in the outdoor areas which is likely to be audible at nearby residential properties. This may consider activities permitted within the outdoor areas, times and durations of activities across the permitted operational hours, restrictions on number of children outside at any given time or other consideration not discussed here.

Once approved, the scheme and all identified control measures shall be implemented as agreed and shall be maintained for the duration of use.

Reason: To provide an ongoing monitoring and control review to prevent an increase in noise levels and protect the amenity of any residents due to the external activities of the Care Facility and to safeguard local residents from noise and disturbance, and to comply with Policy GN3 in West Lancashire Local Plan 2012-2027.

13.0 SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

- 16.1 There are no health and wellbeing implications arising from this report.

Background Documents

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendices

None.