



PLANNING COMMITTEE: 20<sup>th</sup> June 2024

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**Report of:** Assistant Director Planning and Regulatory Services

**Lead Member:** Cllr G Dowling

**Contact for further information:**

**Case Officer:** Rachel Lightfoot (Extn. 5177)  
(E-mail: [Rachel.lightfoot@westlancs.gov.uk](mailto:Rachel.lightfoot@westlancs.gov.uk))

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**SUBJECT:** PLANNING APPLICATION REF: 2023/1026/FUL

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

**APPLICANT:** Calvary Healthcare

**ADDRESS:** 1 Charles Close, Hesketh Bank

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

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**Wards affected:** North Meols & Hesketh Bank

## **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 of a Dwellinghouse (C3) to a Children's Care Home (C2). The application was deferred at the meeting on 13th March 2024 and returns for determination following the receipt of additional supporting information. An update to the original report is provided at section 11.

## **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 the east of Charles Close in a residential cul-de-sac. There are dwellings immediately to the south and west of property. The dwelling is a 5 bed detached property with 3 reception rooms and has its own gardens and a private drive.

#### **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 1 Charles Close in Hesketh Bank.
- 4.2 Calvary Healthcare would be the provider and the facility would be the primary home for up to four children who would be accompanied by trained members of staff 24 hours a day. There will additionally be a manager or supervisor during the day times.
- 4.3 The home will accommodate children with physical and complex needs as well as those with learning disabilities such as autism.
- 4.4 There are no external or internal changes to the appearance of the property. The proposal includes the increase in parking to 4 parking spaces from 2.

#### **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 2010/0722/FUL – Use of attached garage as granny accommodation. Pitched roof to replace existing flat roof - APPROVED

#### **6.0 OBSERVATION OF CONSULTEES**

- 6.1 Environmental Health – no objection subject to a noise management scheme
- 6.2 LCC Highways – no objection subject to conditions which are within the proposed decision. *'The proposed change of use may result in increased traffic to the site; however, I have reviewed the Lancashire County Council's five-year base for Personal Injury Accident (PIA). The data base indicates that there have not been any recorded incidents around the immediate vicinity proposed site for the last five years.*

*I note there is to be additional parking added to the site which I welcome. However, proposed site plan, drawing number NB23\_34/1002 shows the proposed new driveway to be covered in gravel, this is not acceptable. Neither is the existing driveway being covered in gravel. Both accesses will need to be hard paved prior to first occupation.*

#### **7.0 OTHER REPRESENTATIONS**

- 7.1 7 representations have been received from neighbouring properties. These raise the following material objections:
- The development will result in unwanted traffic

- The development will result in additional noise in regards to shift patterns
- Refuse and delivery vehicles already have problems parking
- This would introduce a commercial business in to a residential area
- The extra car parking spaces would change the appearance of the house
- Higher levels of disturbance will cause a loss of residential amenity
- Children won't be able to play in front of their homes due to increased traffic
- Chapel Road is the main route for school, college and commuter buses
- On road parking will cause a loss of amenity
- The development use will be out of character with the residential area

7.2 The following comments have been made but are not considered to be a material planning consideration:

- The use has already started

7.3 A further letter has been received in relation to confirming the number of children which would be housed.

## **8.0 SUPPORTING INFORMATION**

8.1 Planning Statement  
Staff rota

## **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 ASSISTANT DIRECTOR PLANNING & REGULATORY SERVICES**

10.1 The main considerations for this application are:

- Principle of Development
- Character and Appearance
- Residential Amenity

- 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 Key Sustainable 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 4 children who have physical/complex needs and learning disabilities such as autism. There will be 4 members of staff on shift between the hours of 08:00 to 20:00 and 3 staff between 20:00 and 08:00. This would equate to the potential size of a household which could at present reside at the property.
- 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 peace of the cul-de-sac as well as the property not being a suitable location for a children's home (as a commercial enterprise within an otherwise residential setting) due to the demographics of the cul de sac.

- 10.10 The property is a 5 bed detached property with front drive way and rear private garden. The level of activity associated with 4 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 that it would be significantly different in the levels of activity to a typical dwelling if the household were made up of parents and 4 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. Externally, there would be two new parking spaces created to increase the in curtilage car parking to 4 spaces. Comments have been made in relation to the impact of the proposed new spaces on the street scene. There remains an open area of lawn to the junction with Chapel Close which will retain the generally open feel as you enter the Close.
- 10.12 The change of use and minor alterations are 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 Paragraph 135(f) of the NPPF 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 Objectors have 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.
- 10.15 Comments have been made in regards to the presence of both young children and elderly people within the area. As previously noted, this property is a five bed detached home within a residential housing estate which is within a Key Sustainable Village as defined by the Local Plan.
- 10.16 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 bed roomed property. There have been no objections raised by the Environmental Protection Team.

- 10.17 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.
- 10.18 A condition will limit the use of the property to a maximum occupancy of 4 children to ensure that there are no additional uses of the property.

#### Highway Safety

- 10.19 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.
- 10.20 The application has been reviewed by the Highway Authority who conclude that the development is acceptable from a highway perspective but requires a condition to secure details of the proposed surfacing of the parking spaces to be created.

## Other Matters

- 10.21 Comments have been raised that the property is already operating as a children's home. This has been raised with the applicant via their agent who confirmed that said the property is currently *“supporting an adult in 1 Charles Close who is approximately 36 years of age and has additional needs. Liverpool Local Authority Adults Services commission the care. Liverpool Local Authority has temporarily engaged with Tillyco Ltd for the use of the property whilst the lady’s home is renovated, and we are providing a care package (not accommodation).”*
- 10.22 The arrangement is not expected to continue for much longer as this was a temporary proposal.
- 10.23 Comments have been made in regard to the lack of consultation between the applicant and the community. This is not a material planning consideration. It is confirmed that the planning application notification included adjoining properties and the erection of a site notice conforming to the requirements of the General Management Development Procedure Order 2015.

## **11.0 UPDATE**

- 11.1 The application was deferred at March Committee to seek further comments from Lancashire Police, the Commissioning Body and clarification over shift change over times. 5 further objections have been received, 3 of which are from one household. These objections can be summarised as follows:

- Highways concerns
- Location of substation
- General disturbance

No new issues have been raised following the original report, which are commented on above.

### Lancashire Police

- 11.2 Lancashire Police have again been contacted for a comment and have confirmed that they have no comments to make.

### LCC Children's Services

- 11.3 Lancashire Children's Services have also been contacted and have confirmed that the applicant is a provider of services for Lancashire County Council and have been working to address identified gaps on children's home provision locally. There are not enough places for children with physical disabilities or autism and this will help to fill that gap. The provider and Lancashire County Council have a close working relationship and therefore it is likely that the children placed in the home will be from the Lancashire area. They also confirm that due to the intended cohort of children which would be cared for in this home the risk is lower than other types of children's homes.

## LCC Highways

- 11.4 The Highways Authority have confirmed that there are no objections to the proposal. There have been no recorded incidents around the immediate vicinity of the site and the proposal would not have a severe highway impact therefore there is no reason for refusal. It is considered that the proposed change of use is likely to generate similar traffic to a large residential dwelling and there would not be any difference to the function of a family in terms of trip generation with there being no expected intensification of use. It is reconfirmed that there are no objections to the proposal.

## Commentary

- 11.5 Further information has been received from the applicant. This information includes A Good Neighbour Policy document and an updated document in relation to the Staff Rota Plan. These documents can be summarised as follows:

- Staffing will be 2 members of staff on site at all times with a manager or deputy manager as required;
- Shifts will be 14:00 – 20.00  
10.00 – 22.00  
22.00 – 08.00
- No other vehicles will be required as an adapted vehicle will be available on site for children with physical disabilities.
- Links will be established with the local community, including providing points of contact
- The property will be maintained in good order;
- Staff will be accountable for children's behaviour outside the home, including the garden area and in the community;
- Management will ensure that parking is appropriately controlled;
- Visitors, if required, will be scheduled to avoid staff changeover times;
- Children will be transported in the Homes own vehicles, if additional pick ups are required then these will be managed using appropriate pick up/drop off points;
- Garden noise will be kept to prior to 20:00
- A Complaints and Representations policy is in place to resolve concerns which cannot be dealt with informally.

- 11.6 These documents demonstrate that the Home can operate with acceptable impacts in relation to highways, the staff rota is clear that the typically more busy times of the day (08.00-09.00 and 17.00-18.00) are avoided in terms of staff handovers. Any journeys taking the children to school would be movements which would normally be associated with a house of this size. There are no indications from the Highway Authority that the use would result in an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The NPPF is clear that



development should not be refused on highways grounds unless this bar is exceeded.

- 11.7 Comments have been made in relation to the location of the substation. The rear garden is separated from the substation by a 2m fence and planting. There are a number of properties which surround the substation. There is no evidence which has been provided which supports the assertion that children from the Home would be at any greater risk from the substation than children if there were a family living in the property, or the adjacent property of 79 Chapel Bank which immediately adjoins the substation of any children generally walking past the substation. The children within the Home will be subject to supervision as if they were in a family environment or higher. It is not considered that in the absence of any evidence to the contrary, the position of the substation would give rise to a reason for refusal.
- 11.8 It is considered that these documents underline that the Home will operate in an appropriate manner within the local area. As a five bed dwelling, there could be 4 or more children living in the property as a family which would result in the same level of traffic movements, these could include older children living at home who could have their own vehicle. This would not be the case with the proposed which would provide accommodation for young people up to 18.
- 11.9 Following the submission of the additional documents, an amended condition has been proposed (Condition 4) which requires the Home to operate in accordance with the details submitted within those documents unless otherwise agreed in writing by the Local Planning Authority.

## **12.0 CONCLUSION**

- 12.1 It is concluded that the proposal will meet an identified gap in care provision in Lancashire and is supported by Lancashire County Council Children's Services. The application meets with the requirements as set out within the West Lancashire Local Plan and the National Planning Policy Framework.

## **13.0 RECOMMENDATION**

- 13.1 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

Proposed Elevations  
Proposed Layout Drawing No NB23\_34/104  
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 four 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. The development shall be operated in accordance with the Good Neighbour Policy Document and the Staff Rota Plan received by the Local Planning Authority from Hedley Planning on 29th April 2024. There shall be no alteration to or deviation from these documents at any time.

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

5. Prior to first occupation, drop kerbs shall be installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility.

6. Prior to first occupation, the newly formed parking extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements or other hard material to be approved by the Local Planning Authority.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

## **14.0 SUSTAINABILITY IMPLICATIONS**

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

## **15.0 FINANCIAL AND RESOURCE IMPLICATIONS**

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

## **16.0 RISK ASSESSMENT**

16.1 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.

## **17.0 HEALTH AND WELLBEING IMPLICATIONS**

17.1 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.



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1 Charles Close, Hesketh Bank, PR4 6SZ,

