



**PLANNING COMMITTEE: Thursday,  
3 October 2024**

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

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**SUBJECT: PLANNING APPLICATION REF: 2024/0368/FUL - HILLTOP, 42  
TURNPIKE ROAD, AUGHTON**

**PROPOSAL: Change of use of a (C3a) dwelling to a childrens home for a maximum  
of two children, with up to three staff, two of whom will sleep overnight, working on  
a rota basis (C2).**

**APPLICANT: Meliora Care Limited**

**ADDRESS: Hilltop 42 Turnpike Road, Aughton L39 3LF**

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

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Wards affected: Aughton & Holborn;

## **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).

## **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 north side of Turnpike Road and backs onto agricultural land. It consists of a 4-bed detached bungalow, residential garden areas and swimming pool. The dwelling does not have any direct neighbours and is a standalone property on the north side of the road, however there are a number of dwellings on the opposite side of Turnpike Road.

- 3.2 The north side of Turnpike Road is rural in character and located within the Green Belt as per the West Lancashire Local Plan 2012-2027 DPD whilst the south side comprises a residential area, forming part of the built-up area of Ormskirk/Aughton (within the settlement boundary).

#### **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 Hilltop, 42 Turnpike Road in Aughton.
- 4.2 Meliora Care Limited would be the provider and the property would be used as a small specialist care home for two children with emotional or behavioural difficulties (EBD) who would stay on a long-term basis.
- 4.3 The proposal is to register the property as a registered children's home for a maximum of two children aged from 8 to 18 years. They would be looked after by a maximum of two carers, two of whom would sleep overnight, working on a rota basis. A manager would also visit alternate days, between 09:00-17:00 hours.
- 4.4 There are no external alterations proposed to the external appearance of the property. Internally, the property would be re-modelled to provide 2 no. en-suite bedrooms for residents, 2 no. staff bedrooms, managers office, sitting room and kitchen/dining room.
- 4.5 The existing vehicular access from Turnpike Road would be retained and a car park area for six. no vehicles laid out within the site, close to the site entrance. The number of off-street parking spaces were increased from four to six during the course of the application assessment, following comments received from LCC - Policy, Commissioning and Childrens Health(see para 6.3 below).

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

- 5.1 None.

#### **6.0 OBSERVATIONS OF CONSULTEES**

- 6.1 Lancashire County Council - Highways (15/05/2024 and 29/08/2024) – State that they have no objections to the revised parking layout subject to two conditions relating to car parking/driveway surface materials.

They confirm that the revised layout addresses the highway concerns which they previously raised. The proposed plan now shows six off street parking spaces, with manoeuvrability within the site for vehicles to exit onto the highway in first gear. In addition, the existing access is to be hard paved, and the hedgerow reduced to 1m maximum in height to aid visibility.

- 6.2 Environmental Protection (30/05/2024) – State that the application site is located in a rural/residential area with neighbouring properties on either side of the site who may be affected by noise associated with activities that may occur on the site if left unchecked and acted upon by staff and management. They confirm they

have no objection to the proposal subject to conditions relating to (i) maximum occupation and (ii) submission of a noise management scheme.

- 6.3 Lancashire County Council – Policy, Commissioning and Childrens Health (24/05/2024) – State that they are of the view that careful consideration should be given to the opening of any further children's homes in Lancashire and any new homes should meet a gap in provision and be committed to caring for Lancashire children. They confirm that they have yet to decide whether this proposal will meet an identified gap in provision.

They also stated that they thought the proposal would result in more comings and goings through higher staffing and visits from social workers/other professionals and family members, than the applicants anticipate.

The level of off-street parking provision has been increased from four to six spaces and they have been consulted in respect of the revised layout, however no further comments have been received.

- 6.4 Lancashire Constabulary – no comments received (see paragraphs 10.22-10.25 of main report)

## **7.0 OTHER REPRESENTATIONS**

- 7.1 Aughton Parish Council (21/05/2024) – State that members noted the application, without making comments
- 7.2 49 objections have been received from neighbouring properties. These raise the following material concerns:

### **Residential Amenity**

- The character of Turnpike Road would be irrevocably changed.
- Would lead to an increase in local crime and anti-social behaviour.
- The proposed commercial operation will spoil the rural tranquillity of this area.
- A children's home will be out of character in this area.
- The change of use of the premises to a care home will result in an intensification of use on the site.
- Previous planning appeal decisions have been dismissed, stating that there is a difference in the character of the use of the property as a children's home when compared to a dwelling house.

### **General**

- It is noted that the applicant has not sought to engage in pre-application discussions with the local authority which could help alleviate the concerns of the local community by resolving any issues or concerns at the pre-application stage.
- The Local Planning authority haven't consulted sufficient properties and the site notice is displayed on the opposite side of the road and is hard to read as there is not pavement on that side of Turnpike Road.
- The lack of any prior engagement by the applicant does nothing to alleviate these fears particularly as the planning applicant, Meliora Care Ltd appears to be a new

care home operator that can demonstrate no track record of operating a care home previously.

- Commercially it's unlikely that the business will generate sufficient income with just two children and it's likely that a further application will be submitted to increase the number of residents.
- The location of the building is unlikely to meet Ofsted requirements in terms of access to local facilities, schools, health care facilities, public transport etc.
- There are safeguarding issues associated with the building and children being accommodated within, eg: Ofsted prefer that window locks are not installed to children's homes, however the property is single storey.
- The subject site is located just outside the settlement boundary in the Green Belt and there is no easy pedestrian access to local services which is a normal prerequisite for enabling a children's home and its occupants to integrate into the local community.
- The application refers to children with emotional or behavioural problems and the property currently has insecure boundaries. No reference is made within the application as to how the boundaries will be secured and children welfare maintained.
- The property would be better suited to a family home for which there is a large demand in the area.
- Question the need for further care home provision and whether this facility will be catering for the needs of Lancashire's children or for locating children outside the local authority area who may have no local affiliations and who will find it difficult to integrate into the local area.
- Lancashire County Council have stated that there is an excess of children's home throughout the county and any additional homes will put pressure on local schools and services.
- A quasi-commercial use is inappropriate in the Green Belt.
- There have been previous issues with care home accommodation in the locality.

### **Highways/Access**

- Property is on a blind bend and the additional traffic could result in a road traffic accident.
- Will result in additional on-street parking along Turnpike Road.
- The area is not close to public transport links.
- Turnpike Road is busy and dangerous and a risk assessment needs to be carried out especially if more children are going to be using the road.
- The plans don't show parking bays and it's not been demonstrated how parking on the site can be achieved.
- The Highway Authority have requested that the hedgerow to the front of the property is cut back to one metre in height to provide visibility splays, however this isn't achievable as the hedgerow to the west of the entrance is in different ownership.

## **8.0 SUPPORTING INFORMATION**

### 8.1 Design & Access Statement

## **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 detached bungalow which is located within the Green Belt, whilst properties on the opposite (south) side of Turnpike Road comprise a residential area, which forms part of the built-up area of Ormskirk/Aughton and are within the Key Service Centre, as defined by Policy SP1 of the West Lancashire Local Plan 2012-2027. No external development to the fabric of the dwelling is proposed as part of the application and as such the openness of the Green Belt would not be impacted upon.
- 10.3 The property will allow care to be provided for a maximum of two children who have emotional or behaviour difficulties (EBD) and would be between the ages of 8-18, with two carers working on a rota basis sleeping overnight. Six carers would operate on a rota of 32 hours on (including sleepover), then 3 ½ days off. Other than changeover times, there would be no more than two carers on the premises at any one time. There will be a changeover in the day, three times weekly, at 09.30 hours, which would last for around ten minutes. A manager would also support and manage the home between 09:00 – 17:00 hours. This staffing arrangement would result in a level of occupancy and activity comparable to that of a typical household occupying this 4 bedroom 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 home. 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 It is considered that the proposed change of use application would comply with the aims of Policy SP1 in that it provides specialist accommodation within a sustainable location. In terms of the properties Green Belt allocation, as no physical extensions are proposed to the property, it is not considered that the proposal would conflict with any relevant policies designed to preserve openness and the existing residential use remains consistent with Policy SP1. An area of hardstanding is to be introduced to the front of the property, adjoining the boundary with Turnpike Road. Under paragraph 155 engineering operations are not inappropriate development provided they preserve its openness and do not conflict with the purpose of including land within it. On this basis, it is considered that this design intervention is minimal, confined to the front of the property where such features are expected and does not encroach beyond undeveloped land in such a manner that the Green Belt openness is compromised. As such the proposal would comply with the requirements of the NPPF and Policy GN1 of the Local Plan.

#### 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 (NPPF) 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. The proposals maintains this existing character whilst contributing to a safe, inclusive and accessible environment for the children's care facility, which is in line with the NPPF's goals for promoting health and well-being.
- 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 regarding the perceived impact on the peaceful character of Turnpike Road and concerns that the property may not be suitable for use as a children's home (as a commercial enterprise within an otherwise residential setting) within this residential setting.
- 10.10 The property is a 4 bed detached property with front drive way and rear private garden. The level of activity associated with two cared for children by two members of staff on 26 hour shifts 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 2 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 appearance of the dwelling and whilst an area of hardstanding would be introduced to the front of the property, it is not considered that this would impact on the street scene, due to the small area that is proposed and the fact that there is an existing area of hardstanding to the front.
- 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 impact on the character and appearance of the location.

#### 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. They state that this has been the case with another children's home in the location. While it is understandable that residents may have concerns about potential anti-social behaviour, each case should be assessed on its own merits. There is no evidence to suggest that this particular proposal would result in such issues. The governance of anti-social behaviour falls outside the remit of the planning system, and even if it were to be argued that a planning decision led to anti-social behaviour it would have to be substantiated, notwithstanding that this is a Police matter. To refuse a planning application on the basis that it would result in suspected anti-social behaviour would be unreasonable and particularly challenging to defend at appeal. The Lancashire Constabulary have been consulted as part of this application, and whilst officers have chased for a response on several occasions no comments have been forthcoming.
- 10.15 Comments have been made regarding the presence of both young children and elderly people within the area. As previously noted, this property is a four bed detached home, and whilst relatively isolated on the northern side of Turnpike Road, it's sited opposite a number of established properties which are within the Key Service Centre of Ormskirk with Aughton 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 general family household occupying the five bedroomed property. There have been no objections raised by the Environmental Protection Team, subject to conditions relating to (i) maximum occupation and (ii) submission of a noise management scheme.

- 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 considered to be at reasonable hours of the day and, as such, would not 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 a refusal of the application.
- 10.18 A condition will limit the use of the property to a maximum occupancy of 2 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. In this case, the Highway Authority has confirmed that the impact on highway safety and traffic flow would be negligible, given the scale and nature of the use proposed, which does not significantly differ from a typical residential dwelling.
- 10.20 A number of objections have been received to the application on highways and access issues. These are detailed in Paragraph 7.0 of this report under 'Other Representations'.
- 10.21 The application has been reviewed by the Highway Authority who conclude that the development is acceptable from a highway perspective, following the receipt of amended plans, but requires conditions to secure details of the proposed surfacing of the parking spaces to be created and the front hedgerow to be kept at a height of one metre, to aid highway visibility. This relates to the edging solely within the applicant's ownership and relates to a stretch 4 metres in length west of the site entrance and approximately 17 metres to the east. Given that Turnpike Road is classified as a B road, they consider that the effect of the development on the operation of the local highway network would be negligible. Therefore, subject to conditions, the proposal is considered to meet relevant highway safety requirements.

#### Other Matters

- 10.22 Comments have been made in regard to the lack of consultation between the Local Planning Authority (LPA) and the community. The LPA is satisfied that consultation process was conducted in full compliance with statutory requirements, including site notices and direct neighbour notification.
- 10.23 It has been stated within the objections received that the introduction of a children's home would lead to increased crime in the area. Lancashire Constabulary (Childrens Service) have been asked to comment on the application on a number of occasions and they have not done so. Regardless of this, whilst concerns about crime are noted, no direct link between the introduction of a children's home and increased crime or anti-social behaviour has been demonstrated.



- 10.24 Concerns have been raised that a home which would care for two children would not be commercially viable and the use may intensify at a later date. This may be the case, however a condition has been attached to the recommendation which limits the number of children to a maximum of two, and any future intensification of the use would require a further planning application. The conditions limiting occupancy to two children ensures that the impact on local amenities will be considered with the current proposal.
- 10.25 Other concerns have been raised by local residents which are considered to be non-planning matters and as such cannot be assessed as part of this application. These include (i) the fact that the applicant appears to be a new care home operator that can demonstrate no track record of operating a care home previously, (ii) the location and type of property may not be registered by Ofsted and (iii) Lancashire County Council have stated that there is an excess of children's home throughout the county and any additional homes will put pressure on local schools and services.

## **11.0 CONCLUSION**

- 11.1 It is considered that the proposed change of use is appropriate in this location, and the introduction of a children's care home for a maximum of two children, would not result in an adverse impact on the residential amenity of adjacent neighbours. The proposal is considered to meet with the requirements of Policies SP1, GN3, RS1 and IF2 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/documents:

Design & Access Statement (Rose Consulting 29/07/2024)

Site Location Plan

Existing Plans - Drawing No:0000-RA-XX-XX-DR-A-01060

Proposed Plans – Drawing No:0000-RA-XX-XX-DR-A-0100 Rev P03

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 two 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 Design & Access Statement received by the Local Planning Authority from Rose Consulting on 12<sup>th</sup> August 2024. There shall be no alteration to or deviation from these documents without the prior written consent of the Local Planning Authority.

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, that part of the access 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 road users.

6. Prior to first occupation, the car parking area shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking area shall thereafter be always kept free of obstruction and available for the parking cars.

Reason: To allow for the effective use of the parking areas.

7. Prior to first occupation, the existing hedgerow on the highway frontage of the site extending 4m to the west and 17m to the east shall be reduced to and be permanently maintained henceforth at a height not greater than 0.9m above the nearside carriageway level.

Reason: To ensure adequate visibility for the drivers of vehicles entering and leaving the site.

8. Prior to the commencement of use, a noise management scheme for the operation 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 considerations 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 children's nursery and to safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

#### **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.

