



**PLANNING COMMITTEE: Thursday,  
16 January 2025**

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

**Contact for further information: Richard Maunsell (Extn: 3482) (Email: richard.maunsell@westlancs.gov.uk)**

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**SUBJECT: PLANNING APPLICATION REF: 2024/0857/FUL**

**PROPOSAL:** Proposed change of use of dwelling (C3) to residential care home (C2).

**APPLICANT:** Dr C Worrall

**ADDRESS:** 10 Briars Green, Skelmersdale, WN8 6SQ

**REASON WHY APPLICATION IS AT PLANNING COMMITTEE:**

The application has been called in by Cllr Parlour.

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Wards affected: Skelmersdale North;

## **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 from a house to a children's home for up to 4 children.

## **2.0 RECOMMENDATION TO PLANNING COMMITTEE**

2.1 To refuse planning permission.

## **3.0 THE SITE**

3.1 The property is located in Briars Green, Skelmersdale. Briars Green is a cul-de-sac located to the north of Ashmead Road which itself is on the northern fringe of Skelmersdale. Number 10 Briars Green comprises a detached six bedroomed house with a private rear garden and off road parking to the front. There are dwellings flanking the property to all sides.

## **4.0 PROPOSAL**

4.1 The proposal seeks planning permission for the change of use from a residential dwelling (Use Class C3) to a residential care home (Use Class C2).

- 4.2 The property would be the primary home for up to four children aged between 10-17 years old. The children would be cared for by two members of staff who would be on site at all times, support by a Registered Manager who would be on site on Mondays to Friday and on call for the remainder of the time. In total, 10 members of staff would care for the children on a rota basis.
- 4.3 The home will accommodate children who are considered vulnerable, predominantly from the outcome of neglect and forms of abuse.
- 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 2024/0688/FUL - Proposed change of use of dwelling (C3) to residential care home (C2). Withdrawn.

## **6.0 OBSERVATION OF CONSULTEES**

- 6.1 Lancashire County Council – Children's Services: - As the attached Market Position Statement sets out, Lancashire County Council has the highest number of Ofsted registered children's homes than any other local authority in England. There are almost 300 agency children's homes in Lancashire, which deliver four times as many children's home beds than we require. Despite this, we can still really struggle to find suitable, local, good quality and good value homes for some of our children in care. This is because many of the homes in Lancashire (70%) are not caring for Lancashire children and are instead caring for children from other local authorities, sometimes at a great distance from home. Only 16% of agency children's home beds in our area are being used for Lancashire children. This has a significant impact on local resources (e.g. health, schools and policing). Also, having so many children's homes in our area does make it challenging to recruit good quality, suitably trained staff, including children's home managers.

Lancashire County Council's Children's Services is firmly of the view that careful consideration should be given to the agreement of new children's homes in Lancashire. Our view is that new homes need to meet an identified local gap in provision and need to be delivered by providers who offer good quality, good value provision and who are committed to providing local homes for Lancashire children. I note that the proposed home to be opened by Briars Green Care Limited is a 4-bed provision, as our Market Position Statement outlines this is not the size of home we usually find challenging to source and we therefore do not consider it to be a local gap in provision. In addition, whilst the planning statement outlines "the applicant will work with the local authority (Children's Services) to prioritise the placement/ relocation of local children where it is appropriate", I wish to advise that to date the provider has not contacted Lancashire County Council to discuss their proposed home and care model or how they can receive our requests for homes, which does not give us confidence that this home would be used for Lancashire children.

The attached staff rota suggests a total of 5 movements in and out of the home between Monday - Friday, broken down as 2 x 12-hour care worker day shifts (07:00am - 19:00pm) as well as an additional 2 x school runs and the registered manager working 09:00am - 17:00pm. We would expect allowances for 2 x sleep-in shifts in addition to this which, based on the staffing matrix, would take movements up to a minimum of 7 between Monday - Friday. This would pose further challenges for car parking provision, especially during term-time handovers.

I also note that our records indicate there are 4 operational children's homes under 1 mile away from the proposed home.

This is therefore not a planning application that Lancashire's Children's Services supports.

6.2 Lancashire County Council – Highways Authority: - the following comments have been received:

*Summary*

LCC Highways does not have any objections regarding the proposed change of use of dwelling (C3) to residential care home (C2) and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

*Background*

Briars Green is a 20mph residential road lit by a system of street lighting with footways on both sides of the road. The proposed application is for a change of use from a dwelling to a residential care home.

*Highway Safety*

The collision history was checked on LCC's 'Mapzone' database on 27th November 2024. The records indicate that there has been one reported collision on Briars Green within the last five years. This was approx. 50m south of the proposed site and recorded as a slight collision at the junction with Ashmead Road.

Whilst any accident is regrettable, the highway network surrounding the site is considered to have a good accident record and indicates there are no underlying issue which the proposed development would exacerbate.

LCC Highways are aware of objections to the application highlighting parking issues on Briars Green. As a matter of course LCC's Highway Asset Management System was checked on 27th November 2024 and the records show that there have been no recorded complaints regarding any highway related issues on Briars Green since records began in 2017. Consequently, there does not appear to be any basis to the traffic objections.

*Sustainable Travel*

The proposed site is in a sustainable location. The nearest bus stops are on Ashmead Road approximately 120m from the proposed site and provide regular services between Ormskirk, Skelmersdale and the surrounding areas. There are

also several primary and secondary schools within walking distance of the proposed site.

There is an extensive footpath network in the area surrounding the proposed site with many footpaths linking to various housing estates, bus stops and schools in all directions. These footpaths are illuminated by a system of street lighting. The excellent pedestrian facilities encourage and promote the use of walking in the area surrounding the site. This makes it an appealing form of transport for both employees and children.

### *Trip Generation*

This application is for a residential care home for up to four children. The planning statement states that staff will provide school transport for the children. Even if the children do not go to the same school, it is not considered to be different to a normal residential dwelling.

If the children are placed under Special Educational Needs (SEN) then specialist school transport would normally be required, however, this again is not considered to be an exceptional situation from a residential dwelling.

Staff movements potentially lead to additional traffic movements when compared to a typical residential dwelling. Assuming that all care staff arrive and depart independently by car, staff changeover time would be the times when vehicle movements would be concentrated over a short period of time, however this would be outside of peak times.

LCC Highways would make the following comparisons in traffic movements:

- taking children to school and collecting from school would not be significantly different;
- as a children's home is a place of work daily staffing movements would be incurred and would be more intensive than parents going to and from work, generating approximately 6 more movements per day;
- deliveries and shopping would not be significantly different;
- visitors to a children's home are likely to be higher and 1 visitor per day would generate 2 additional vehicle movements.

Overall LCC Highways estimate that a children's home could generate up to 8 vehicle movements (4 arrivals and 4 departures) more than a typical residential dwelling. This number of additional vehicle movements would represent a small percentage increase 3 in vehicle movements on Briars Green. But it should be borne in mind that this is a six bedroom dwelling and is likely to generate more than the typical dwelling house.

Whilst additional vehicle movements will likely occur, if planning permission is granted, LCC Highways are of the opinion that the additional vehicle movements would not be dissimilar to that associated with a typical residential road and that it is unlikely that the proposal would impact on highway safety.

### *Parking Provision*

There is an overprovision of off-street parking for a children's home, with the large driveway it is expected that all cars in connection with use of the site can be accommodated within the site.

Shift changeover could lead to a brief overspill onto the highway if cars need to be moved, however this would be outside of peak times and not dissimilar to a typical residential dwelling with tandem parking and more than one car.

LCC's Highway Asset Management System was checked on 27th November 2024 and the records show that there have been no recorded parking complaints on Briars Green since records began in 2017.

When the site visit was undertaken, there were no vehicles parked within the highway. Briars Green is a residential road, and a level of on-street parking could be expected and not detrimental to highway safety.

We would request that the 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. This is in order to prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.

We would also request that the dwelling shall include a secure cycle storage facility (a product that holds accredited cycle security standard), suitable for a minimum of four bicycles and that a suitable condition is added. This is to promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions. We would request that the plans are updated to include this.

6.3 West Lancashire Borough Council - Environmental Health – I do not believe the property is suitable for the use intended without change to the interior layout.

The bedrooms to the first-floor left hand side are inner rooms to behind a ground floor reception room. In the event of an evacuation being required occupants of those bedrooms could be cut off from a walkable exit route by a fire in the reception room previously mentioned. Escape windows are a possibility for the premises as the impacted rooms are first floor, however falling/dropping from a first-floor window is inherently less safe than walking to a door on the ground floor.

If used as a residential care home, it is possible the property will become a House in Multiple Occupation and the relevant legislation will apply.

If there is a requirement to increase security by locking final exit doors inner rooms become more of a risk as there is a possibility that some escape routes become unavailable without other persons first exiting the building and then returning to open doors other than the one they used to escape. If there are children with vulnerabilities it could be the case that staff members are cut off from reaching some bedrooms if there is a fire in the access room which the bedrooms are beyond.

The property would require automatic fire detection (with the final specification to be decided by the operator if the use case goes ahead) to a level of at least BS5839 LD2 Grade A specification, with the appropriate management and maintenance scheme in place.

Property management must be available 24 hours a day to respond to requests for maintenance and to respond to complaints of statutory nuisance.

- 6.4 Lancashire Constabulary: - the home will be in a location which is within 1.1 miles of three other care homes, one being only 0.2 miles away.

There is a bus stop near to the location which could aid children going missing.

The local area is high risk of antisocial behaviour and criminal offences.

## **7.0 OTHER REPRESENTATIONS**

- 7.1 Twelve representations have been received from the occupiers of neighbouring properties objecting to the application and the main issues raised are summarised as follows:

### *Principle*

1. local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country as required in the Written Statement "Planning for accommodation for looked after children" 23 May 2023;
2. Policies RS1 and RS2 of the local plan are silent on children's homes and therefore the assessment should defer to the Written Statement;
3. Lancashire County Council has confirmed there is no need for such development;
4. the development would not serve the needs of local children;
5. other local authorities are including policy requirements in the local plan requiring demonstration of need that would meet the needs of local residents;
6. in the absence of need, the proposal is contrary to Paragraph 63 of the NPPF;
7. there is a lack of need for such development. Seven new homes have been opened and approved in Skelmersdale in the last 2 years;
8. the property was built as a family home and should remain as such;
9. there is a covenant on properties in the estates that they can only be used for residential use or a doctor's surgery or dental practice;
10. the development would result in the loss of a family home;
11. the proposal is purely to gain finally from the care of children;
12. there is governance and guidance which states that such premises should have a minimum separation distance of 400 metres from each other;

### *Character and Appearance*

13. the proposed property would not operate like a residential dwelling since it would be a commercial business;

14. the intensification of activity arising from a commercial business operating in a residential property would have negative external effects on the character of the area;
15. the cumulative impact of the other children's' homes in the area would also be detrimental to the area;

#### *Highways*

16. parking is limited in the cul-de-sac and there is not enough parking for staff, visitors etc.;
17. although parking is shown for 5 vehicles, the last car would have to be moved to allow any other vehicle to leave. This is likely to result in vehicles parking on the road for convenience;
18. there is a lack of parking for visitors or family members;
19. the speed limit on the estate is 20mph not 30mph as stated in the application details;
20. a similar development in Meadow Clough has attracted complaints from the local school as parking spaces reserved for parents and staff have been used;
21. additional vehicles results in an increase concern for road safety which is a breach of health and safety law;
22. the Highways Authority has failed to properly asses the proposal and its implications on the highway network and residents;
23. the development would inevitably lead to an overlap between vehicle comings and goings and even for short changeover periods, would necessitate the parking of vehicles on the street;
24. although public transport, cycling and walking are said to be encouraged within the application, with early morning and evening changeover shifts, the use is unlikely;

#### *Amenity*

25. the development will lead to an increase in antisocial behaviour;
26. there would be an increase in noise and disturbance which would be untypical of a single-family house;
27. neighbouring properties would be overlooked resulting in a loss of privacy;
28. CCTV cameras have been installed on the property. There is no information as to whether they overlook neighbouring properties or where the data is stored contrary to human rights;
29. residents that neighbour existing homes have reported antisocial behaviour and noise disturbances;
30. the application and concern of the potential use, is having a detrimental effect on the mental health and general well-being of neighbours;
31. the response from the council's Environmental Heath Officer provides grounds for refusal;

#### *Fear of Crime*

32. research indicates that children's homes tend to have higher rates of police involvement due to the vulnerability of the children;
33. the woods are already used for antisocial purposes and this would be an attraction for children being cared for at the premises;

34. the impression of crime and anti-social behaviour would have an adverse effect on the amenity of neighbours and result in difficulty for the home to assimilate into the community;
35. the use would result in an inclusive or safe development with the fear of crime undermines the quality of life and community cohesion;
36. the local police force in Fylde Council area recorded 210 missing children, with 88 from the care sector.

#### *Other Matters*

37. property values will be reduced;
38. insurance premiums will increase;
39. there is a rat infestation in the area and any food or bird feeders will exacerbate this problem;
40. on meeting some of the residents, the applicant failed to address concerns or issues raised by them;
41. there is no certainty that the staff would be appropriately qualified or have the necessary experience;
42. local services, such as health care and police, are under pressure and this development will contribute to this. The fact that it is exempt from council tax means that it will not support these resources;
43. the threatened closure of the swimming baths and closure of the cinema, means that recreations facilities are limited. It is questioned what the applicant can offer the lives of young people and how they will integrate into the local community;
44. there is a high fence to the rear of the property, beyond which is a ditch and woods. This poses a risk to potential absconders which needs to be risk assessed;
45. large refuse bins would be required for which there is no space.

## **8.0 SUPPORTING INFORMATION**

- 8.1 This application is accompanied by the following supporting information:
- Biodiversity Net Gain Exemption
  - Community Information Q&A Newsletter
  - Complaints Policy
  - Parking Plan
  - Planning Statement
  - Staff Rota

## **9.0 RELEVANT PLANNING POLICIES**

- 9.1 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.
- 9.2 West Lancashire Local Plan 2012-2027 DPD:  
SP1 – A sustainable Development Framework for West Lancashire  
GN3 – Criteria for Sustainable Development  
IF2 – Enhancing Sustainable Transport Choices



## **10.0 OBSERVATIONS OF ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES**

- 10.1 The main considerations for this application are:
- i. Principle of Development
  - ii. Need For The Development
  - iii. Character And Appearance
  - iv. Impact On Amenity Of Occupiers Of Neighbouring Premises/ Residential Amenity
  - v. Anti-Social Behaviour
  - vi. Highways/ Parking
  - vii. Oher Matters

### **Principle of Development**

- 10.2 The application relates to an existing dwellinghouse which is located within a principally residential area. Skelmersdale is a Regional Town as defined by Policy SP1 of the West Lancashire Local Plan 2012-2027.
- 10.3 The use is similar to that of a residential dwelling 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.
- 10.4 Reference is made in the objections to Policies RS1 and RS2 of the Local Plan and these refer to residential development and affordable and specialist housing. This application seeks permission for a change of use rather than new build development where specifically Policy RS2 requires a percentage of the development to be affordable housing.
- 10.5 In terms of the issues raised by Lancashire County Council and the Ministerial Written Statement referred to in the objections, the planning process does not control who would occupy the premises either now, or at any point in the future, should planning permission be forthcoming. Skelmersdale is the largest town in the Borough and has schools and local facilities and services albeit the objectors comment on the future threat to these.
- 10.6 The objectors have drawn reference to the fact that a minimum distance of 400 metres should be provided between such premises which is being adopted by some other local planning authorities. Whilst this is the case, this is being delivered through the local plan process and therefore weight can be attached in the consideration of applications. No such distance exists in the West Lancashire Borough Council Local Plan and the policies of other council's cannot be relied upon.
- 10.7 The proposed development would therefore comply with the aims of Policy SP1 given its sustainable location, providing a form of specialist accommodation.

## Need For The Development

- 10.8 "The objection from key stakeholders, including Lancashire Commissioning Group and Lancashire Constabulary, reinforces the concern that the proposed accommodation does not align with local service requirements or priorities. These bodies, who are best placed to understand local demand and safeguarding risks, have expressed significant reservations regarding both the necessity and the suitability of the development in this context.
- 10.9 National policy emphasizes that the size, type, and tenure of housing needed for different groups in the community should be robustly assessed and reflected in local planning policies. Paragraph 63 of the newly revised NPPF specifically highlights the need to account for vulnerable groups such as looked after children. Moreover, footnote 26 to this comments that "evidence of need for looked after children can be found in the relevant local authority's Children's Social Care Sufficiency Strategy." In this case, the applicant has failed to provide any evidence from the relevant local authority's Children's Social Care Sufficiency Strategy to demonstrate a shortfall in local provision for this demographic.
- 10.10 Furthermore, while the West Lancashire Local Plan includes policies on housing need, it does not provide specific policies addressing the provision of specialist accommodation for looked after children. This policy gap further underscores the importance of robust engagement with key stakeholders such as Lancashire Commissioning Group to evidence local demand. The lack of such evidence, coupled with the objection from Lancashire Commissioning indicates that the proposed use does not meet an identified local need and would not contribute to creating mixed and balanced communities, as required by national policy.
- 10.11 The Lancashire CLA (Children Looked After) Sufficiency Strategy 2021 – 2024 was reviewed in April 2023 and raised several ongoing concerns:
1. Current Oversupply of Children's Homes: They emphasize that Lancashire already has a significant number of agency children's homes, many of which are not serving local children. This makes it clear that there isn't a current local need for additional homes of this nature, especially the small-scale 4-bed provision proposed by Briars Green Care Limited.
  2. Local Resource Strain: The statement highlights the strain that having so many children's homes in the area, many of which are serving children from other local authorities, places on local resources such as health, schools, and policing. This supports their view that more children's homes may exacerbate these challenges, rather than alleviate them.
  3. Absence of Consultation: The Children's Services department points out that the provider has not contacted them to discuss their proposed home or how they would accommodate local children. This lack of engagement undermines their confidence that the home would serve the intended purpose of providing local accommodations for Lancashire children, which is a critical concern for Children's Services.
  4. Staffing and Car Parking Concerns: The analysis of staffing requirements indicates multiple movements in and out of the home, which could

exacerbate local car parking problems, especially during peak periods. This presents a practical concern that may impact the local community, which further supports their objection.

5. Proximity to Other Homes: The statement notes that there are already 4 operational children's homes within a 1-mile radius, highlighting that the area may already be sufficiently served by existing facilities.

10.12 In conclusion, Lancashire County Council's Children's Services' objections are well-supported by evidence of existing provision, concerns about resource strain, and practical issues like staffing and parking, all of which indicate that the proposed development may not align with local needs or policy priorities. The recent appeal decision in Blackpool (Appeal Reference APP/J2373/W/22/3298844) further underscores the importance of demonstrating local need for C2 accommodation. In that case, the Inspector emphasized that "the focus of planning policy is on ensuring that the size, type, and tenure of housing needed for different groups in the local community is assessed and evidenced." The Inspector rejected arguments based on generalized national need, stating that local demand must be robustly evidenced through early engagement with relevant commissioning bodies.

10.13 Similarly, in this case, the applicant has failed to provide adequate evidence of local need, and there is no indication of meaningful consultation with Lancashire Commissioning Group or Lancashire Constabulary. The objections from these stakeholders should be afforded significant weight, as they indicate that the proposal could create safeguarding risks and place undue strain on local services, contrary to Policies GN3 and IF2 of the West Lancashire Local Plan. In the absence of demonstrable local need, as highlighted in the Blackpool decision, the proposal fails to demonstrate a clear local need for the specific C2 use within this location, as required by relevant planning policies.

#### Character And Appearance

10.14 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.

10.15 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.

10.16 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.

10.17 Although as previously noted, no external alterations to the building are proposed, 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.

- 10.18 The property is a 6 bedroom detached property with front drive way and rear private garden. The level of activity associated with 4 cared for children by 2 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. The level of comings and goings which may be required to meet the day to day needs of the children would generate a 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 4 children, coupled with the presence of a manager and visitors etc. It is therefore considered that the change of use would result in harm to the character of the area and fails to comply with the NPPF and Policy GN3 of the Local Plan DPD.

Impact On Amenity Of Occupiers Of Neighbouring Premises/ Residential Amenity

- 10.19 In paragraph 135(f) of the NPPF, it states that decisions should:

*"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

- 10.20 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.
- 10.21 The property is a two-storey attached property adjacent property, in a residential area. Although set back from the road, this is an otherwise quiet cul-de-sac. The proposal is for the use as a children's home for four children under 18 years of age. The Statement notes that two members of staff would also be present on site. When children are present on site, staff will also be present and will use one of the bedrooms. There would be a staff changeover between 07:00 and 07:15 hours and again between 19:00 and 19:15 hours, although this is not certain and could take longer. The manager would also arrive before 09:00 hours and depart at 17:00 hours. It is likely that there would be additional movements throughout the day for schools, access to local services and facilities as well as visitors to the site.
- 10.22 Visits are expected from Ofsted, tutors and other professionals such as Social Services. Whilst the level of occupation could be similar to what would be expected in a (C3) house of this size, on balance there is likely to be an increase in the number of comings and goings and vehicular movements associated with the use over and above that which would normally be expected with the existing C3 use.
- 10.23 The property is located within a residential area where the impacts of issues such as loud noises are increased due to the layout of the development and the

proximity of properties to each other. The application is not accompanied by a management plan or any additional information in regards to the management of issues which may arise due to the needs of the children. It is, however, asserted in the Supporting Statement that the level of activity that would be generated from the premises would not be very different from the use as a single dwellinghouse.

- 10.24 It is acknowledged that the applicant intends to provide a well-managed unit to support young persons with complex and potentially challenging needs, who may require specialist care and intervention. However, given the nature of the proposed use and the residential setting, it is likely that neighbouring occupiers may experience unacceptable noise and disturbance and disruptive behaviour. The increased levels of general comings and goings necessary to ensure the wellbeing of the resident young persons, including staff changes and visits from professionals, cannot be completely mitigated. This, combined with concerns over parking and vehicle movements (addressed further below) is considered to have a harmful impact on the amenity and quiet enjoyment of neighbouring properties.
- 10.25 Planning conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. In certain circumstances, conditions can be used to require the submission and agreement of a management plan which has been considered in this instance. However, it is not considered that this could be enforced in a manner which would maintain the amenity of neighbouring residents. It would not be possible to restrict any young person in the home from undergoing episodes due to their needs and it would be unreasonable to restrict their movements outwith the premises, this is exacerbated by the location within a residential area.
- 10.26 For these reasons, it is considered that the development would result in an unacceptable adverse impact on the occupiers of neighbouring properties and would be contrary to the NPPF and Policy GN3 of the Local Plan DPD.
- 10.27 Although an objection has been received from Environmental Health Officers, the comments that have been received refer to the layout and infrastructure of the building rather than to the impact on the amenity of neighbouring residents. As such, this does not affect the assessment in the foregoing paragraphs.

#### Anti-Social Behaviour

- 10.28 Concerns have been raised over the management of the facility and child safeguarding. There are also comments from Lancashire Constabulary and local residents have commented on the potential for anti-social behaviour and crime. The fear of crime is a relevant planning consideration but that fear has to be objectively justified rather than just perceived. This was noted in an appeal example provided by an objection (Appeal APP/G6935/C/15/3140055) but this dates to a case in 2015 for an appeal against an Enforcement Notice where the crime could be quantified which is not the case in this instance.

- 10.29 The management of children's homes and child protection is a matter for Ofsted and other government legislation under The Children's Act. A range of risk assessments and Statement of Purpose would be required to demonstrate that safeguarding is key to the running of the facility in order to keep the children/ young people safe. These are not, however, 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.
- 10.30 As a further point, 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.

#### Highways / Parking

- 10.31 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.
- 10.32 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with Policy IF2.
- 10.33 Although the Highways Authority has raised no objection, significant concerns have been raised by neighbour and interested parties regarding the proposed use. The site is located on a quiet cul-de-sac but notwithstanding this, the road width is quite narrow and it is not uncommon for cars to be parked on the road at various times which hinder visibility along the network. The site is located at a bend in the road and on-street parking outside the property is likely to result in adverse impacts on highway and pedestrian safety.
- 10.34 The submission has been accompanied by a site layout plan showing the location of the car parking spaces. There are five parking spaces at the front of the site although the Planning Statement states that only up to 4 of the spaces would be used at any one time. However, from the information provided, it is considered that there is potential for a larger number of vehicles to be present at site. During staff changeover time, there would be up to four vehicles belonging to the carers. There is the potential for the manager to also be on site together with any visitors or healthcare and welfare professionals. Although five spaces are shown on the plan, in reality given the constrained and awkward nature of the parking area, there is potential for the use to result in additional cars visiting the site above which that can be adequately accommodated on site.
- 10.35 In determining the appeal for 2021/0374/LDP (Appeal reference APP/P2365/X/21/3277983), which related to a certificate of lawfulness for the use of a premises for up to four children with up to two carers being on site, the Inspector noted:

*"Within the Planning Statement, for example, the appellant states only at staff changeover times would there be more than 3 members of staff present. The*

*appellant suggests this would be for a short time each day, however, presumably the length of time taken to handover will vary, depending upon the issues raised during the previous rota period. Even a short period is likely to necessitate the parking of a vehicle on the street, to enable the overnight carer/s to leave."*

- 10.36 Whilst the applicant's aspirations to encourage alternative means of transport are welcomed, due to the nature of the shift work and visits to schools, services, tutors or Ofsted representatives attending the site, would result in car use. The council would not be able to enforce that any visitor or member of staff did not use their car to visit the site.
- 10.37 It is therefore considered that the proposed use would create additional disturbance to local residents than that of a dwellinghouse due to the number of vehicle movements and the potential car parking needs could not be accommodated within the site at all times. On street parking in this location would lead to obstruction of the highway and adversely impact on pedestrian and highway safety in the area. On that basis the proposal fails to comply with the requirements of Policies GN3 and IF2 of the Local Plan DPD.

#### Other Matters

- 10.38 The representations made reference to a covenant which is attached to the properties, including the one subject to this application, which prohibits any business activity. If such a covenant does exist, this is not a matter that is relevant to this planning application. Any breach of a covenant of this nature would be between the originator of the covenant and the party in breach of it.
- 10.39 Similarly, whilst the devaluation of property value and increased insurance premiums are cited as reasons for objections, these are also issues which are not material planning considerations in the assessment of this application.

### **11.0 CONCLUSION**

- 11.1 It is concluded that the proposal raises issues in regards to the need for the development, residential amenity and parking concerns that conflict with the objectives and requirements as set out within the West Lancashire Local Plan and the National Planning Policy Framework.

### **12.0 RECOMMENDATION**

- 12.1 That planning permission be REFUSED for the following reasons:
1. The proposal does not adequately demonstrate a clear local need for the specific C2 use at this location, as required by national and local planning policy. Paragraph 63 of the Revised National Planning Policy Framework (NPPF) (December 2024) stipulates that the size, type, and tenure of housing needed for different groups in the community must be assessed and evidenced. The applicant has not provided sufficient evidence of local demand for additional children's homes in the area, nor has it demonstrated that the proposal would meet the specific needs of looked-after children within the local authority area, as required by the Revised NPPF.

Additionally, the failure to engage meaningfully with key local stakeholders, such as Lancashire Commissioning Group and Lancashire County Council's Children's Services, further undermines the application. Consequently, the proposal would not contribute to the creation of mixed and balanced communities, as sought by national policy, and would not address an identified local need, contrary to Paragraph 63 of the Revised NPPF and Policies GN3 and IF2 of the West Lancashire Local Plan.

2. The proposed development is for the creation of a unit of specialised accommodation for up to four young persons below the age of 18. The character of the premises would be altered from that of a family dwelling, due to the use, visitors and members of staff. As such, it is considered that the nature of the development would result in harm to the amenity of neighbouring residents and future occupiers of the premises. The proposal is therefore contrary to Paragraph 135(f) of the National Planning Policy Framework and the objectives of Policy GN3 of the adopted West Lancashire Local Plan 2012-2027.
3. The potential number of vehicles associated with the proposed change of use cannot be adequately accommodated within the application site at all times. On-street parking in this location would result in adverse impacts on pedestrian and highway safety and the proposal therefore conflicts with Policies GN3 and IF2 in the West Lancashire Local Plan 2012 - 2027 Development Plan Document.

### **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.