

Hyndburn Borough Council – Committee Report

Application Ref:	11/23/0506
Application Address:	30 Bluebell Way Huncoat BB5 6TD
Valid Date:	11 th December 2023
Date Registered:	19 th December 2023
Date for Decision:	5 th February 2024 (Extension requested to 21 st February 2024)
Date of Site Visit:	20 th December 2023
Date of Report:	3 rd February 2024

Reason for Determination by Planning Committee

The application was Called-in for Committee consideration by Councillor Cassidy in particular regarding matters of local amenity.

Description of Development: FULL: Full: Proposed change of use from a dwelling house to a household comprising of a resident Mother and Baby or two children, supported by up to 3 carers in line with the Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

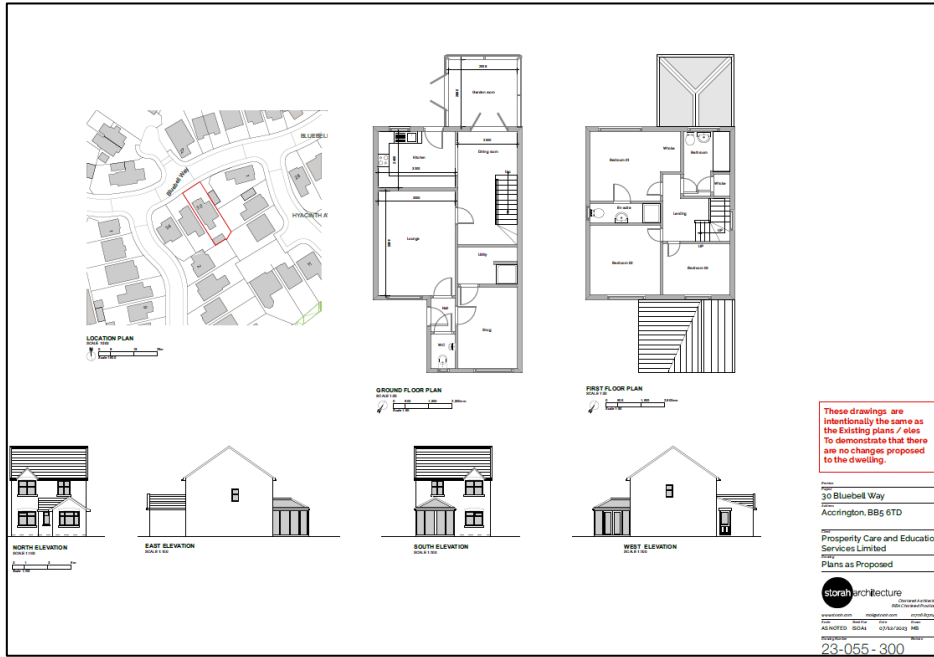
Description of site and proposed development

The application relates to a detached dwellinghouse fronting Bluebell Way as shown on the location plan and image as follows.



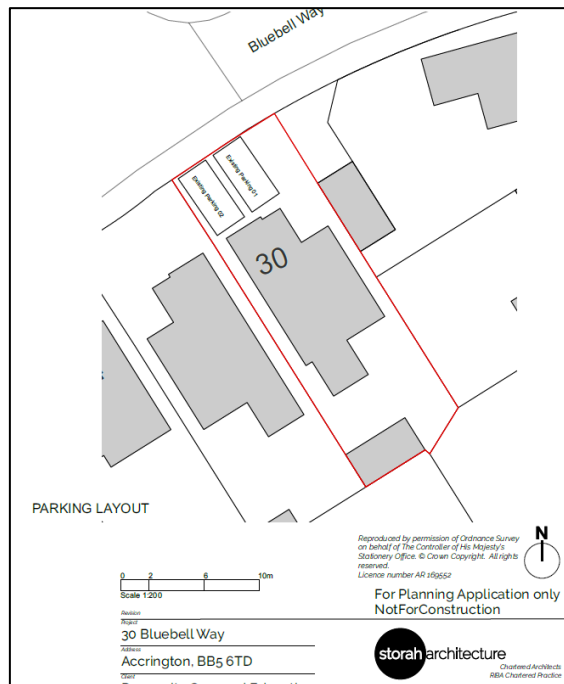
Application site

Briefly, the detached dwellinghouse is of two storeys. It has 3 bedrooms (one with ensuite facilities) and a bathroom on the upper floors; a kitchen, dining room, lounge, garden room, snug, utility room, hallway and accessible wc, at ground floor level; and, rear and front gardens. There is a forecourt car park surfaced to provide 2 car parking spaces.



Existing and proposed details (no proposed changes)

The present proposal is to change the use of the building to a children’s home providing accommodation for a young mother and baby or for two children. The mother and baby or 2 children would live at the property as their main residence – the carers would attend on a rota/shift basis. There would be no external changes to the building or to the external areas. Two car parking spaces would be retained. The application drawings of the property are copied as follows (existing and proposed are the same, there being no changes).



Plan illustrating retention of car-parking spaces.

A Travel and Parking Management Statement has been submitted which sets out the arrangements to be put in place in order to minimise staff travel so as to minimise adverse

noise/disturbance impact on nearby residents and the neighbourhood generally. The two parking spaces would be retained in the development.

Consultation responses (summarised)

Neighbours notified by letter.

Consultation period expired 10th January 2024.

Neighbouring residents

Representations have been received from 69 neighbouring residents making objections and comments summarised and itemised as follows:

1. That publicity for the application was inadequate.
2. One children's home would have great impact – two or three would be significant and unjustifiable.
3. Staff and visitors would cause extra traffic and parking problems. Traffic congestion; driveways would be blocked; increase in pavement parking hazard; narrow estate roads; manoeuvring of large vehicles would be more difficult. Noise/disturbance from business use and shift changes; frequent coming/going of shift workers; cars at unsocial hours.
4. Cause fall in house prices; insurance for house and car would increase.
5. Bring the area down; give the area a bad name.
6. Effect on local services / school places.
7. Every child deserves a home but not here; should be in other areas nearer to facilities.
8. Estate designed for family dwellings change of use would completely change the area; not built for conversion to business use; estate being targeted for child care homes; adverse long-term effect; private dwellings should remain as that.
9. Loss of housing. Goes against local plan aim to provide 3 and 4 bedroom houses that are in short supply. An Article 4 Direction should be made. A policy should be created to to give proper guidance and applications should not be considered until policy created.
10. Fear of anti-social behaviour/increase in crime/drug use; safety of children; vandalism/damage to cars and property; staff not appropriately trained to cope with anti-social behaviour.
11. Conversion of the garage is in breach of a planning condition of the original planning permission.

Highway Authority – Makes the following comments:

Having considered the information submitted, the above proposal raises no highway concerns. Therefore, the Highway Development Control Section would raise no objection to the proposal on highway safety grounds.

Environmental Health Officer – No objections.

Senior Commissioning Manager for Lancashire County Council

As is clearly set out in the attached Children's Home Market Position Statement, there are already very high numbers of children's homes in Lancashire, many of which are filled with children in care from other local authorities, which has a significant impact on local services such as schools, health and policing. The high number of homes also make it very challenging to recruit and retain good quality staff. Despite the very high number of children's homes, we can struggle to find local homes for some of our children in care and therefore we do still have a need for more homes that will meet identified gaps in provision and that will be operated by providers who will prioritise caring for Lancashire children. However, again, as clearly set out in the attached, Mother and Baby Residential Children's Homes are not an identified gap in provision. We do not struggle to find local Mother and Baby Children's Homes and therefore Lancashire County Council's Children's Services does not support this planning application.

Relevant Policies

National Planning Policy Framework (NPPF)

Core Strategy – Adopted January 2012

Env6: High Quality Design

Env7: Environmental Amenity

T1: Improving Connectivity

Development Management DPD

DM26: Design Quality and Materials.

DM29: Environmental Amenity

DM32: Sustainable Transport, Traffic Management and Highway Safety (including GN8: Car parking standards)

Planning history

None relevant

Observations and assessment

Procedural

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The **NPPF** is a material consideration (**NPPF** paragraph 2).

NPPF defines sustainable development (paragraph 8), sets a presumption in favour of such development, requiring that: proposals in accordance with an up-to-date development plan be approved without delay (paragraph 11); and, that decisions should be approached in a positive and constructive way (paragraph 38).

NPPF (paragraph 60) says it is important that [...] the needs of groups with specific housing requirements are addressed; and that (paragraph 63) the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Whilst the development plan is generally silent as regards specific policies for the proposed residential child care use the well-founded general policies regarding character, appearance and residential amenity are in place to guide consideration of the application.

Considerations

The application proposes the change of use of a detached dwelling house to Care Home for children. The applicant states that a maximum of 2 children would be accommodated. The applicant has also indicated that the children may be a young mother and child in care, which for planning purposes, would fall within the same description.

The property is set in a large established residential estate composed of similar dwelling houses.

The principle of providing high quality accommodation for cared-for-children in the midst of well-founded residential areas is not under question. It is existing government policy, regulated and administered under specific legislation. As such, that principle is not a planning consideration. That said, it is helpful, for completeness, to outline the current practice.

Briefly, a Social Services department would normally place children in need of such care in a Local Authority or privately operated care home. Such residential provision is overseen under the Ofsted/Care Commission regime. Private care homes may be business ventures, however, the operation of business of any description is manifestly not a planning matter. No account should be taken of any representations in that respect. It is reasonable to regard the loss of the dwellinghouse to the housing stock of the Borough as being balanced by the provision of a children's care home for which there is a need.

The proposal is for a change of use from a dwellinghouse (Class C3) to a care home for children in need of care (Class C2). Both uses are identified as residential classes. The distinction between the uses, for planning purposes, is that a property has to be occupied as a household to remain within with the C3 dwellinghouse use class. There are many instances where foster children are looked after by existing families and such arrangements would not amount to a change of use of a dwellinghouse. Therefore, the question for the present purpose is to consider how a small children's care home differs from a dwellinghouse in terms of planning impacts, noting, in particular, that it would be a staffed workplace with routine comings and goings of staff, with additional professional visitors, in addition to being a home.

The main consideration for this application are the impacts on neighbours and the residential area generally arising from the character and operation of the proposed use; highway safety; and consideration of representations and any other matters arising from consultations or otherwise.

Character and operation

No changes are proposed to the external appearance of the building. There may, however, be minor additions in the nature of alarms, door key pads and the like, that would have little, if any, impact on the visual character of the building.

The applicant states the intention to provide a living environment as close as possible to a family setting. That is an understandable and achievable aspiration. Therefore, the building itself, would likely continue to have a character consistent with that of a dwellinghouse.

In operation, the main likely impacts would arise from the vehicle movement of staff and others connected with the care home. Policy Env7 requires that new development will be permitted only if it is demonstrated that the material impacts arising by reason of traffic, visual impact, noise, [...] and other nuisances, will not give rise to unacceptable adverse impacts or loss of local amenity.

The applicant has submitted that the movement would not be dissimilar to that generated by a family occupied dwelling house. The applicant has submitted a Travel and Parking Management Statement that sets out how staff would travel to/from work, keeping the maximum staff cars at the property at shift change-over times to two. The pertinent parts of the travel plan are copied as follows:

Trinity staff will utilise the parking spaces for the property and will be expected to share a vehicle. When the shift change occurs, this will result in shift B staff arriving at the property in one vehicle, a handover occurring, and shift A staff leaving. If the carers each have their own vehicle, one vehicle will be left at the Trinity Office in Altham meaning the carers in a shift will travel together in one car to the care property.

These measures would make reasonable provision for the transport needs generated so that, in operation, the proposed use would not be likely to cause significant harm, in that respect, to the amenities on neighbouring dwellings or the residential area generally. Conditions are recommended to require adherence to those transport arrangements. On that basis the proposed development would be in accordance with Policy Env7.

Highway safety

Policy DM32 (as relevant to the proposal) expects all development proposals to encourage sustainable travel and meet with local car parking standards.

Sustainable travel

The submitted Travel and Parking Management Statement indicates that a staff car share arrangement would be in operation. This would be a sustainable form of travel sought by the policy.

Car parking standards

The adopted car parking standard for a C2 use is 1 space per 5 beds plus 1 space per 10 beds for visitors /staff. Assessment against that policy indicates the need for 2 car parking spaces which is provided in the proposed development. However, for completeness, it needs be said that the proposed small children's home differs from the wide range of C2 uses for which the car parking standard has been derived. Obviously, the children do not drive; and, the staff to occupant ratio is significantly higher for the care of children. That is a material consideration for this application. In this case, in any event, the indicated car parking standard is met by implementation of the proposal and the recommended condition.

The Highway Authority, taking account of the submitted travel management statement is content that there would be no adverse impact on highway safety and makes no objection on

the basis that it would have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

On that basis the proposal would be in accordance with DM32.

Other matters

The proposed use is within Use Class C2 identified in the Town and Country Planning (Use Classes) Order 1987 (as amended). The C2 class includes a wide range of residential institution uses (such as hospitals, nursing homes, residential school, training centre) for which the property would not be suited. A condition is, therefore, recommended to restrict the use to that proposed.

Representations

The representations of neighbouring resident as itemised above, are considered as follows, with comments in italic script.

1. That publicity for the application was inadequate.
[Comment – The application was publicised as required by planning law and the many representations received indicates that the publicity system was appropriate]
2. One children's home would have great impact – two or three would be significant and unjustifiable.
[Comment – Applications for numbers 7 and 49 Bluebell Way were refused planning permission and are currently the subject of Appeals to the Planning Inspectorate]
3. Staff and visitors would cause extra traffic and parking problems. Traffic congestion; driveways would be blocked; increase in pavement parking hazard; narrow estate roads; manoeuvring of large vehicles would be more difficult. Noise/disturbance from business use and shift changes; frequent coming/going of shift workers; cars at unsocial hours.
[Comment – The application includes details of parking and staff travel which, when implemented under the recommended planning conditions, would suitably mitigate such adverse impact to a reasonable degree. The proposal meets the adopted Car Parking Standards. The Highway Authority raises no objection to the proposal.]
4. Cause fall in house prices. Insurance for house and car would increase.
[Comment – Impact of planning decisions on property values, as such, is not a material planning consideration.]
5. Bring the area down; give the area a bad name.
[Comment – The high quality and well-kept nature of the residential area exhibits a robust nature that is capable of absorbing the proposed children's home into its fabric without harm. The operation and management of the care home would be subject to inspection from Ofsted and other agencies. On that basis, it is likely that the managing company would wish to maintain an impeccable public face in contributing to the appearance and maintaining the quality of the residential area.]
6. Effect on local services.

[Comment – There is no evidence that services would not be robust enough to cope with any additional demand.]

7. Every child deserves a home but not here. Should be in other areas nearer to facilities.

[Comment – The application has to be considered on its merits. The applicant proposes to provide a living environment as close as possible to a family setting. This is likely to be best achieved in high quality, family oriented, residential surroundings such as the neighbourhood in which the application property is located.]

8. Estate designed for family dwellings change of use would completely change the area; not built for conversion to business use; estate being targeted for child care homes; adverse long-term effect; private dwellings should remain as that.

[Comment – Whilst it should be acknowledged that there would be some change in the overall character of the area, in the officers opinion this would not be to such significant degree to warrant refusal of the application].

9. Loss of housing. Goes against local plan aim to provide 3 and 4 bedroom houses that are in short supply. An Article 4 Direction should be made. A policy should be created to give proper guidance and applications should not be considered until policy created.

[Comment – Whilst there would be loss of a dwellinghouse in this location, the future occupants would require a house to live in somewhere. An Article 4 Direction is a planning law device that enables the Council to remove 'permitted development' rights from an area. Its effect is to require that a planning application is submitted for the development restricted. It is of no relevance to the form of development now proposed. As stated in the main report, whilst the development plan is generally silent as regards specific policies for the proposed residential child care use the well-founded general policies regarding character, appearance and residential amenity are in place to guide consideration of the application. The application falls to be determined under the adopted development plan].

10. Fear of anti-social behaviour/increase in crime/drug use; safety of children; vandalism/damage to cars and property; staff not appropriately trained to cope with anti-social behaviour.

[Comment – Fear of crime and anti-social behaviour is a material consideration in determining planning applications. The concern expressed by residents is understandable as children at times may exhibit a variety of behaviours. However, the proposal is for a for a children's home for 2 children. There is no reason to expect that children with especially troubled backgrounds would be accommodated. Secure accommodation, as such, is a separate use class (C2A) which is not relevant to the present proposal and in any event, is recommended to be excluded by condition. The Care Home has parental responsibility for the children in its care. The oversight of training is a matter for the Regulatory body and is not a planning matter]

11. Conversion of the garage is in breach of a planning condition of the original planning permission.

[Comment – The condition of the original planning permission for the erection of the dwellinghouse required that the garage be retained as such or in a use incidental to the enjoyment of the dwelling house and not used for trade purposes.. The room is

apparently used as a 'snug', which may be regarded as incidental to the dwellinghouse]

Senior Commissioning Manager for Lancashire County Council

As is clearly set out in the attached Children's Home Market Position Statement, there are already very high numbers of children's homes in Lancashire, many of which are filled with children in care from other local authorities, which has a significant impact on local services such as schools, health and policing. The high number of homes also make it very challenging to recruit and retain good quality staff. Despite the very high number of children's homes, we can struggle to find local homes for some of our children in care and therefore we do still have a need for more homes that will meet identified gaps in provision and that will be operated by providers who will prioritise caring for Lancashire children. However, again, as clearly set out in the attached, Mother and Baby Residential Children's Homes are not an identified gap in provision. We do not struggle to find local Mother and Baby Children's Homes and therefore Lancashire County Council's Children's Services does not support this planning application.

[Comment – The County Council seeks to carry out the duty of provision of suitable accommodation for children in its care. However, as explained in the main report, the housing of cared-for-children in the private sector in addition to Local Authority provision is existing government policy, regulated and administered under specific legislation. Having the support of the Local Authority Social Services provider for the location (in this case LCC) is not required by the child care regulatory process, nor for planning purposes. It may be the case that looked-after children are routinely accommodated in areas outside the social service area from which their placement is arranged, however, that placement process is not a planning matter for the determination of the present application.]

Other matters

The proposed use is within Use Class C2 identified in the Town and Country Planning (Use Classes) Order 1987 (as amended). The C2 class includes a wide range of residential institution uses (such as hospitals, nursing homes, residential school, training centre) for which the property would not be suited. A condition is, therefore, recommended to restrict the use to that proposed.

Conclusions

Officers recognise that developments of this type can give rise to local opposition, however, the proposed change of use of the dwelling house to a Children's Care Home would be likely to have minimal adverse impact on the amenity of neighbouring dwelling houses or the residential area generally. The Highway Authority is content with the proposal as regards matters of highway safety. Conditions are recommended in order to secure implementation of measures proposed in the application.

The proposal would be in accordance with the development plan and should therefore be supported.

Recommendation

That the application be Granted subject to the following conditions:

Conditions:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following documents:
 - (a) The planning application forms and location plan received by Hyndburn Borough Council on 11th December 2023.
 - (b) Submitted drawings, namely: Drawing(s) number:
 - 23-055-001 (Location Plan);
 - 23-055-002 (Location Plan, showing car parking spaces);
 - 23-055-301 (Parking Arrangement);
 - 23-055-100 (Plans as Existing);
 - 23-055-300 (Plans as Proposed); and,Travel and Parking Management Statement (Dated 7th December 2023), received by Hyndburn Borough Council on 11th December 2023.

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to control the development and to minimise its impact in accordance with policies Env6, Env7 and T1 of the Hyndburn Core Strategy and DM29 and DM32 of the Hyndburn Development Management Development Plan Document.

3. The building shall only be used as a Children's Care Home (which may include provision of accommodation for a young mother and baby) (as described in the application) only and for no other purpose including any purpose within Use Classes C2, C2A, and C4 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: Notwithstanding that the proposed use (as described and defined in the application) would be an acceptable use of the building, the application does not demonstrate (taking account of its characteristics, including its location, its amount of internal accommodation and layout) that the building would be suitable for other uses within those Use Classes in accordance with the development plan, including policies Env6, Env7 and T1 of the Hyndburn Core Strategy and DM14, DM26, DM29 and DM32 of the Hyndburn Development Management Development Plan Document.

4. In respect of staff travel and parking, the Children's Care Home hereby permitted shall be operated at all times in accordance with the submitted Travel and Parking Management Statement (Dated 7th December 2023) in particular the expectation of car sharing by staff described in part 3.0, and the retention of 2 car parking spaces, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to regulate staff travel by vehicle to that reasonably commensurate with that of a family dwelling house (as described by the applicant) in the interests of the amenities of neighbouring dwelling houses and the residential area generally in

accordance with Policies Env7 of the Hyndburn Core Strategy and DM29 and DM32 of the Development Management DPD of Hyndburn Borough Council.

Informatives

1. Reasons for approval of the application

Subject to conditional control the proposal would not cause demonstrable harm to visual / residential amenity or highway safety or to any other matter of acknowledged importance and accordingly would suitably accord with local and national planning policies and in particular Policies Env6 and Env7 of the Hyndburn Core Strategy and the Hyndburn car parking and access standards.

2. Strict accordance with approved plans

This planning permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
- (b) You or your agent or any other person responsible for implementing this permission should inform Development Control immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

3. Conditions

This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

4. Building Regulations may be required

The enclosed approval is issued under the Town & Country Planning Act 1990. You may also require Building Regulation approval which is dealt with by this Department's Building Control Section (Tel: 01254 380194). You must ensure that all necessary permissions are obtained BEFORE starting work, otherwise abortive expense may be incurred.

5. Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

6. Contaminated Land

The applicant should be aware that the application site is identified as being a potentially land-fill gas site land and within proximity to sites of a former brickworks and a former cotton works.