

## REPORT FOR PLANNING COMMITTEE

**APPLICATION REF:** 11/24/0225

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**APPLICATION ADDRESS:** 6 Grasmere Close, Rishton, BB1 4EL

**DEVELOPMENT DESCRIPTION:** Full: Change of Use of a C3a Dwelling to a Children's Home for a Maximum of One Child, with up to Three Carers, Two of Whom will Sleep Overnight, Working on a Rota Basis (C2)

**DATE FOR DECISION:** 17/07/2024

### **DESCRIPTION OF SITE AND PROPOSED DEVELOPMENT**

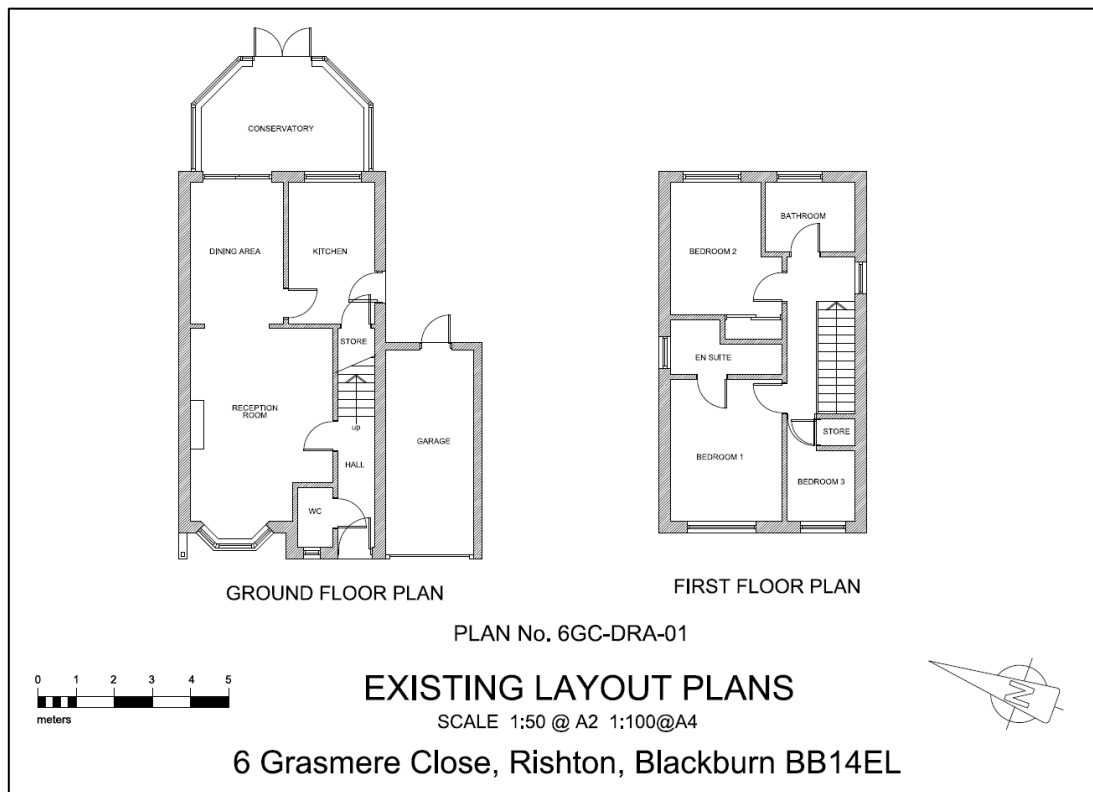
Full planning permission is sought for a Change of Use of a C3a Dwelling to a Children's Home for a Maximum of One Child, with up to Three Carers, Two of Whom will Sleep Overnight, Working on a Rota Basis (C2).

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



The detached dwellinghouse is of two storeys. It features 3 bedrooms (one with ensuite facilities) and a bathroom on the upper floor; a kitchen, dining room, reception room and a conservatory, hallway and a wc, at ground floor level; and, rear and front gardens. There is a driveway which can currently provide 1 car parking space.

The present proposal is to change the use of the building to a children's home providing accommodation for a child up until they are 18 years old. This property would be the main residence for the child living at this property – the carers would attend on a rota/shift basis.



There would be no external changes to the building. Within the Design and Access Statement it is mentioned that 2 off street parking spaces can be provided. However it is considered that the garage is sub-standard in its dimensions - this will be addressed later on in this report.

## **CONSULTATION RESPONSES/REPRESENTATIONS**

### **LCC HIGHWAYS:**

No objections subject to conditions requiring the existing driveway to be widened to ensure 2 parking spaces can be provided off street, in addition to requiring the installation of an electric vehicle charging point.

### **HBC ENVIRONMENTAL HEALTH:**

No objections

### **ADDITIONAL REPRESENTATIONS:**

Neighbours notified by letter. Letters of representation have been received from 2 individual households/addresses objecting to the application on the following grounds:

- There is an existing children's care home located on Grasmere Close

- The property is unable to provide adequate parking provision to support the proposal is located on a bend, as such cars parking would increase the risk of a traffic accident
- The proposals would generate noise disturbances e.g. car engines
- The residential area being unsuitable for this type of development

## **RELEVANT POLICIES**

### Hyndburn Core Strategy (CS)

Policy Env6: High Quality Design

Policy Env7: Environmental Amenity

Policy T1: Improving Connectivity

### Development Management Development Plan Document (DMDPD)

Policy DM26: Design Quality and Materials.

Policy DM29: Environmental Amenity

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

### Material considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

## **RELEVANT PLANNING HISTORY**

No relevant planning history

## **OBSERVATIONS AND ASSESSMENT OF PROPOSED DEVELOPMENT**

### **1. Principle of Development**

- 1.1. The application proposes the change of use of a detached dwelling house to a Care Home for children. The applicant states that only one child will be accommodated. The property is set in a large established residential estate composed of similar dwellinghouses.
- 1.2. The principle of housing 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.
- 1.3. 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 which are generally in short supply.

- 1.4. 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.
- 1.5. 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.

## 2. **Design/Visual Amenity/External Appearance**

- 2.1. In terms of design and visual amenity, there are no changes proposed to the external appearance of the building. As such it is not considered that the proposed development would result in any undue harm to the visual amenity of the area and the proposal would accord with the requirements of Core Strategy Policy Env6 and DMDDP Policy DM26.

## 3. **Impact upon Residential Amenity**

- 3.1. 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.
- 3.2. The applicant has submitted that the movement would not be dissimilar to that generated by a family occupied dwellinghouse. Within the Design and Access Statement it has been mentioned that a single child would live at the house, with two carers working on a rota basis sleeping/being awake overnight. Six carers would operate on a shift pattern of 48 hours on, 60 hours off. In addition, a manager would also usually visit most weekdays between 9am and 5pm. Apart from changeover times, there would be no than three staff on the premises at any one time. There would be one changeover of the overnight care staff per day, usually 9:30am each morning, which would last for around ten minutes. The table below sets out the proposed comings and goings throughout the week based on experience from other care homes.

**Schedule of Proposed Use ( based upon experience of other similar homes)**

<b>Activity</b>	<b>Sunday</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>
Home Manager		2	2	2	2	2	
Care workers starting and finishing shift	2	2	2	2	2	2	2
School run		4	4	4	4	4	
Shopping/ Social/recreational outings	4			2			4
Other visitors	2						2
<b>Total Movements ( in and out)</b>	<b>8</b>	<b>8</b>	<b>6</b>	<b>10</b>	<b>8</b>	<b>8</b>	<b>6</b>

3.3. 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 the movement arrangements. On that basis the proposed development would be in accordance with Policy Env7 of the Core Strategy.

**4. Traffic and Highway Safety**

4.1. Policy DM32 of the DMDPD expects all development proposals to encourage sustainable travel and meet with local car parking standards.

4.2. The adopted car parking standards contained at GN8 of the DMDPD identifies that the requirement for a C2 use is 1 space per 5 beds, plus 1 space per 10 beds for visitors/staff.

4.3. Assessment of the proposal against adopted car parking standards indicates the need for 2 car parking spaces, which is what has been proposed.

4.4. Although 2no spaces have been proposed, LCC Highways have mentioned that the garage's internal dimensions are sub-standard to provide a car parking space. A planning condition recommended by LCC Highways has been included, involving widening of the existing driveway and paving part of the front garden to provide 2 off street parking spaces.

4.5. A new electric vehicle charging point is proposed to be installed at the front of the property which must be fitted in line with the Department for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings. A recommended condition has been added in order to ensure this.

4.6. The Highway Authority, having reviewed the documents submitted together with site observations, have not raised an objection regarding the proposed development and concluded that there are no highway grounds to support an objection as set out by NPPF. It is the Highway Authority's opinion that the sites operation is unlikely to generate significant traffic movements over and above those of a normal household.

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

## 5. **Other Considerations**

5.1. 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.

5.2. The following responses are provided to the issues raised in public objections;

- The property is unable to provide adequate parking provision to support the proposal and is located on a bend

Comment – A recommended condition would enable the property to meet with the adopted Car Parking Standards. The Highway Authority raises no objection to the proposal stating it would not have a significant impact on traffic and highway safety.

- The proposal would generate noise disturbances e.g. car engines

Comment – It is considered that the care home would be able to operate without generating unacceptable noise disturbances. As indicated in the Design and Access Statement, a changeover would occur at 9:30am and other comings and goings are considered to be similar to those of a normal household. As such, it would not cause a level of noise deemed to harm the residential amenities of the area.

- The residential area being unsuitable for this type of development

Comment – In operation the children's home would operate similarly to a normal family home environment. As such this type of proposal is suited to being located within a residential area.

- There is an existing children's care home located on Grasmere Close

Comment – This highlighted concern is not a planning consideration in this case.

## **Conclusion**

The proposed change of use of the dwellinghouse to a Children's Care Home would be unlikely to have any adverse impact on the amenity of neighbouring dwellinghouses 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

### **Recommendation**

That the application be granted subject to the following 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 & Country Planning Act 1990.

- 2) The development shall be carried out in accordance with the following documents unless otherwise required by the conditions below:

- (a) The planning application form and Location Plan received by Hyndburn Borough Council on 22<sup>nd</sup> May 2024

- (b) Plans by received by Hyndburn Borough Council on 22<sup>nd</sup> and 28<sup>th</sup> May 2024

6GC-DRA-01 EXISTING LAYOUT PLANS  
6GC-DRA-02 PROPOSED LAYOUT PLANS  
6GC-DRA-02 BLOCK PLAN  
DESIGN AND ACCESS STATEMENT

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the local amenity and the character of conservation area and to conform with Policies Env6 and Env7 of the Hyndburn Core Strategy, Policies DM10, DM22 and DM26 of Development Management DPD, the National Planning Policy Framework and the Householder Design Guide.

- 3) The building shall only be used as a Children's Care Home for a maximum of one child (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) Prior to first occupation of the approved development the existing driveway/hardstanding shall be extended internally to a minimum width of 5.8m and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

- 5) Prior to first use of the approved development an electric vehicle charging point shall be installed in accordance with the approved plans. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development supports sustainable forms of transport.

- 6) 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 Design and Access Statement (Dated 20<sup>th</sup> May 2024), 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](http://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](http://www.groundstability.com)

**BACKGROUND PAPERS**

<https://planning.hyndburnbc.gov.uk/Northgate/ES/Presentation/Planning/OnlinePlanning/OnlinePlanningOverview?applicationNumber=11%2F24%2F0225>