

Hyndburn Borough Council – Committee Report

Application Ref: 11/24/0508

Application Address: 316 Willows Lane, Accrington, BB5 0NJ

Date for Decision: 31st January 2025 (Extension requested)

Date of Report: 10th February 2025

Description of Development: Full: Change from a C3 dwellinghouse to a C2 residential institution to operate as a children’s home for one child aged 8 to 17.

The application is brought for Committee consideration because of the local interest and representations about the proposal.

Description of site and proposed development

The application relates to a semi-detached dwellinghouse fronting the west side of Willows Lane as shown on the location plan and image as follows.



Application site

Briefly, the dwellinghouse is of two storeys, having a living room, kitchen, dining room, and hallway at ground floor level and 3 bedrooms and a bathroom on the first floor. Externally there is a rear garden, a side attached garage with a driveway parking space and a walled forecourt garden.

The present proposal is to change the use of the building to a children’s home providing accommodation of one child with carers attending on a rota/shift basis. There would be no external changes to the appearance of the building

The application is supported by a Planning Statement explaining the proposal. The key points are:

- This application seeks approval for the change of use of 316 Willows Lane from a C3 dwellinghouse to a C2 residential institution to operate as a children's home for one child aged 8 to 17. The proposal includes no structural or material changes to the property, ensuring minimal impact on the surrounding residential environment.
- **Care Needs:** The home will provide individualised care for one child who has experienced adverse childhood events. The focus will be on offering tailored support to foster educational engagement, build independence, and develop emotional regulation skills.
- **Staffing:** A minimum of two highly trained staff members will be on-site at all times, ensuring consistent supervision and support. During shift handovers, up to three staff members may be present, including care staff and the manager. One staff member will always be available 24/7, while the manager will attend for several hours daily to provide oversight, support the care team, and handle administrative responsibilities.

Consultation responses (summarised)

Site Notice displayed.

Neighbours notified by letter.

Consultation period expired 3rd January 2025.

Neighbouring residents

Representations have been received from 16 neighbouring residents making objections and comments summarised and itemised as follows:

1. Safety of area and local schoolchildren would be affected by a troubled youth being accommodated. Potential anti-social behaviour.
2. Several references to medical problems a child might have that are thought unsuitable for the area.
3. Area multi-cultural, multi-aged and would be harmed by the proposal.
4. Noise from staff and visitors. Late night disturbance.
5. Increased Parking problems
6. Increased Traffic; may encourage taxis.
7. A commercial venture.
8. Would affect house process.
9. Loss to the housing stock.
10. Should be in another location.

Petition of Objection

Petition bearing 45 signatures.

Highway Authority – Makes the following comments:

The plans and highway related information have been viewed together with a visit to the site; the following comments are made.

Ref. Planning Statement Rev A, 5.12.24, 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.

[Further comment Received 21/1/2025]

Further to additional information, we would like to provide the following updated comments.

The garage measures 2.4m by 4.3m so it is small and unlikely to provide a car parking space and the driveway is suitable for 1 vehicle. As they have the opportunity to widen the driveway and provide a second driveway space then it is requested that they do.

Environmental Health Officer – Makes the following comments:

Although the Environmental Protection Team has dealt with numerous complaints about noise from C2 properties, housing multiple households, this application is slightly different, in that it is for one child, with carers.

Although the property in question is a semi-detached property, it is difficult to consider one child generating substantial regular noise problems for the attached property and I therefore have no objections to the use of the property for one child, being supported.

Environmental Health Manager – Food and Safety - Makes the following comments:

If planning permission is granted for planning application the applicant should note that it is likely that the premises will need to register as a food business with Environmental Health.

Senior Commissioning Manager for Lancashire County Council

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 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 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. 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 home proposed to be opened by Care Services to You Ltd is a solo children's home. I wish to advise that very few of our children in care require a solo home and any that do, we would not be looking for them to live on their own for a long period of time.

Our preference is to place any child who requires to live on their own into a home that could in the future support another child to move in. As this is a solo home, this would not be possible. In addition, whilst the provider's supporting document states "referrals will primarily come from Local Authorities, including Lancashire", the provider has not contacted Lancashire County Council Children's Services to discuss their proposed home or care model. I am therefore not assured that the proposed home would be used to meet local need.

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

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

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).

The NPPF says in paragraphs 61 to 63 that, in respect of housing provision, the overall aim should be to meet an area's identified housing need for different groups including looked after children

Considerations

The application proposes the change of use of a detached dwelling house to a Care Home for children. The applicant states that one child would be accommodated. The property is within a residential area, in a main road position. The application is not supported by Lancashire Social Services on the basis that it is for one child only. This is a childcare matter not a planning matter. There are representations/objections from neighbouring residents account of which should be taken.

The principle of providing high quality accommodation for cared-for-child/ren 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. 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 a child/young person 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 a foster child is looked after by an existing family 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 the amenity of neighbours; impact on 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.

Neighbour amenity

DMDPD Policy DM29 requires that proposals do not does not create an unacceptable level of noise. Clearly, there is potential for noise transmission through a party wall to an attached house. Separation by distance and air gap means that noise transmission is less likely to an adjacent house. The Environmental Health Officer is content with the proposal to accommodate one child.

There are representations that refer to possible harm that could come to the neighbouring area as a result of the proposal. Included in this is fear of anti-social behaviour, which is a material consideration for planning purposes. There is no indication that bad behaviour of any description is likely to occur. However, in the present care home there would be trained staff and a Manager with whom to discuss any issues of noise and disturbance and, indeed, unacceptable behaviour. The Manager is registered with Ofsted so that the care home's Regulatory body could be a contacted where necessary. It follows that whilst some element of disturbance may appear marginally more likely; any matter arising is more likely to be simply resolved. It needs be said that, in general, a bad neighbour in a private household may be difficult to approach; whereas the care home manager is likely to be responsive to difficult discussions because of her/his regulatory responsibilities.

There is no cause to expect that the care regime indicated in the application details would result in other than a caring surrogate family setting for the young person to be accommodated intended by the applicant.

Character and operation

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.

No changes are proposed to the external appearance 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.

The applicant has submitted that the movement would not be dissimilar to that generated by a family occupied dwelling house. 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. On that basis the proposed development would be in accordance with Core Strategy Policy Env7.

Highway safety

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

There are representations about the inadequacy of car parking provision. 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.

There are representations referring to potential car parking and traffic difficulties. The Highway Authority advises that the driveway be widened to create an additional parking space and a condition is recommended to put that into effect. On that basis the proposal would be in accordance with Policy 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.

Conclusions

The proposal is for one child to be cared for by staff working on a rota, with always one staying over-night. The home and staff would be over-seen by a manager registered with Ofsted which in turn would require a regulated standard of operation.

Lancashire County Council Social Services does not support the application, stating that it does not identify the proposal as offering to provide for the local need for care spaces. However, the applicant has identified a need for the care home which he is intending to fulfil. With the diligence of the care operator the 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 provided there is an additional car parking space. A condition is recommended to achieve that purpose. The proposal would be in accordance with the development plan and the recommendation is made on that basis.

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 6th December 2024.

(b) Submitted drawings, namely: Drawing(s) number:

S(00)01 (Existing Site Plan);

GA(00)01 (Existing Plans);

GA(00)02 (Existing Elevations);

GA(00)03 (Proposed Plans); and,

GA(00)04 (Proposed Elevations), received by Hyndburn Borough Council on 6th 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 for a maximum of one child (as described in the application) only and for no other purpose including any purpose within Use Classes C2 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. Before the property is brought into use for the purpose hereby granted an additional car parking space shall be provided in accordance with details to be beforehand submitted to, and approved in writing by, the Local Planning

Authority. The additional car parking space shall be surfaced in a bound, permeable material. Thereafter, the car parking spaces shall be retained and kept available for use at all times in connection with the purpose now granted.

Reason: To provide for car parking in connection with the use in the interests of the amenities and convenience of neighbouring dwelling houses and the residential area generally in accordance with Policy Env7 of the Hyndburn Core Strategy and policies 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 an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

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

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

6. Environmental Health- Food Safety

A food business can be registered by completion of an online registration form at the following link: <https://register.food.gov.uk/new>. This should be completed at least 28 days before a business trades.

If the applicant requires any further advice regarding this or any other food hygiene requirements then the Council's Food and Safety Team can be contacted at food_team@hyndburnbc.gov.uk.

7. BNG

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) A Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) The planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Hyndburn Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.