

Agenda Item A8	Committee Date 25 June 2018	Application Number 18/00491/CU
Application Site Thortindale Cottage Coastal Road Bolton Le Sands Carnforth	Proposal Change of use of dwelling (C3) into residential care home for children (C2) and alterations to existing access	
Name of Applicant Mr Horner	Name of Agent HPA	
Decision Target Date 12 June 2018	Reason For Delay Committee Cycle	
Case Officer	Mr Andrew Clement	
Departure	No	
Summary of Recommendation	Approval	

Procedural Matters

The proposed development would normally fall within the scheme of delegation. However, Councillor John Wild has requested that the application be reported to the Planning Committee on grounds of the use's impact upon vehicle movements and traffic along the track and accesses, and subsequent impact upon other uses of the track and canal towpath.

1.0 The Site and its Surroundings

- 1.1 The application site relates to Thortindale Cottage, a two storey 6 bedroom detached dwellinghouse located directly east of the Lancaster Canal in Bolton-Le-Sands. Lancaster Canal is part of the Green Space Network and is a Biological Heritage Site, and its towpath forms part of the designated cycle route. The site benefits from a detached single garage and forecourt area available for parking within a large domestic curtilage, bounded by fencing and/or vegetation on all sides. The site contains several protected trees.
- 1.2 The property is accessed via an unmade track with central grass verge, approximately 140 metre in length, from the east of the A5105 Coastal Road, before crossing the canal towpath and across the Hatlex swivel bridge to enter the site. The Hatlex swivel bridge is owned by the Canal and River Trust (CRT), whilst the access track is not registered at the Land Registry, and a notice of the proposal has been advertised for works to this track of unknown ownership.

2.0 The Proposal

- 2.1 Planning permission is sought to change the use of the dwellinghouse to form a residential care home for up to 4 young persons aged 10 to 17 years old. The site is to use the existing access point, with grey permeable paving surface for between 2.7 to 6.5 metres into the site from the public footpath along Coastal Road. To facilitate the proposal, two passing places are proposed to the south side of the existing access track, widening at these points to 4.1 metres through gravelled surfacing. To create this additional width at the western passing place closest to Coastal Road, a 4 metre section of hedge to the north side of the track between this and the parallel footpath is to be removed and replaced by a 1 metre tall timber post and rail fence.

3.0 Site History

3.1 The most relevant planning application and pre-application advice to the site is set out below:

Application Number	Proposal	Decision
86/01052 HST	Change of use dwelling to nursing home and outline for two storey extension	Refused
17/01180/PRETWO	Change of use of dwellinghouse (C3) into residential institution (C2)	Advice Provided

4.0 Consultation Responses

4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Parish Council	Comments: Concern regarding the impact upon neighbouring residential amenity, namely privacy.
County Highways	No objection: Concerns raised during pre-application advice have been addressed, subject to highway related conditions
Canal And River Trust (CRT)	Comments: Concern regarding potential change of use through permitted development and vehicular traffic conflict with towpath users, partially addressed through the proposal for a second passing place and planning condition for signage on the towpath. Informative for the applicant to contact the Trust's Estates Team
Fire Safety Officer	Comments: Informative regarding access and water provision for the fire service
Environmental Health	No observation received within the consultation period
Lancashire Childcare Service	No observation received within the consultation period

5.0 Neighbour Representations

5.1 98 pieces of correspondence have been received, raising objections to the proposal on the following grounds:

- Unsuitable access track/bridge, and associated risk of additional traffic to users of the canal, towpath and access track. Highway safety concerns and the track/bridge unsuitable for large vehicles. Associated light and noise pollution from vehicles accessing the site
- Unsuitable location, landlocked and impact upon neighbouring residential amenity
- Effect on neighbouring property values and maintenance cost of The Orchards Management Company Ltd's land, footpath and playground
- Risk of the canal/bridge to young persons accommodated at the site
- Insufficient consultation process
- Existing equivalent provision in the area
- Separated from facilities for young persons
- Impact upon trees, hedges and wildlife including bats
- Planning application for a nursing home refused previously
- Waste management and drainage arrangements

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph 17: Core planning principles

Section 1: Building a strong, competitive economy

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 8: Promoting healthy communities

6.2 Development Management DPD

DM20: Enhancing Accessibility and Transport Linkages

DM21: Walking & Cycling

DM22: Vehicle Parking Provision

DM25: Green Spaces & Green Corridors

DM29: Protection of Trees, Hedgerows & Woodland

DM33: Development affecting Non-Designated Heritage Assets or their Settings

DM35: Key Design Principles

DM42: Managing Rural Housing Growth

DM45: Accommodation for Vulnerable Communities

6.3 Lancaster District Local Plan – saved policies

E4: Countryside Area

T24: Strategic Cycle Network

E30: Green Corridors

6.4 Lancaster District Core Strategy – saved policies

SC1: Sustainable Development

SC4: Meeting the District's Housing Requirements

6.5 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

7.0 Comment and Analysis

7.1 The key considerations arising from the proposal are:

- Principle of the Use;
- Scale, Design and Landscape Impact;
- Highways, Parking and impact upon the Canal and Towpath;
- Impact upon Protected Trees and Hedgerows; and
- Residential Amenity and Drainage.

7.2 Principle of the Use

7.2.1 The site is located towards the southern edge of the village of Bolton-le-Sands, which is listed as a sustainable rural settlement under Policy DM42. The site is within a mile of the local facilities within Bolton-le-Sands, and is a similar walking distance to services in Hest Bank. Regular bus services are available within walking distance on Coastal Road and Slyne Road. The canal towpath and designated cycle route runs immediately west of the site, and therefore there are a number of sustainable transport options available for those working or residing as part of the proposed use at this site. The large 6 bedroom detached property has an existing use as a residential dwelling (use class C3), although it is currently unoccupied.

7.2.2 The planning statement and further information submitted with this application demonstrates that the use meets the need of occupants, intending to provide care in the form of a household living together for young persons that cannot be provided by a family parent or guardian due to family circumstance. This care provision is registered and inspected by Ofsted, and delivered through an established professional care provider. Children are referred by Lancashire County Council, with each child subject to specific funding and specific individual care plan. This care plan includes provision for follow on accommodation, either returning to their families or through alternative longer term care provision. Subject to the proposal having an acceptable impact on residential amenity, vegetation, highways and canal users, the principle of the use is considered acceptable and is supported by Policy DM45 and NPPF Sections 6 and 8.

7.3 Scale, Design and Landscape Impact

7.3.1 No extensions or external alterations to the existing dwelling are proposed to facilitate the change of use. The physical developments proposed relate to surface and boundary treatments, namely the laying of grey permeable pavers where the existing unmade track meets the Coastal Road footpath, provision of two sections of gravel passing places created by widening the existing unmade track to 4.1 metres and substituting approximately 4 metres of hedgerow with a 1 metre high timber post and rail fence, and the creation of two additional gravel parking places within the curtilage of the site. The proposed developments are to improve the existing access to the site. However, with regards the design and scale of the developments, these are in materials to match existing at a modest scale, and considered to have an acceptable landscape and visual impact. The development is consistent with Policy DM35 and NPPF Section 7.

7.4 Highways, Parking and impact upon the Canal and Towpath

7.4.1 The existing access to the site is from Coastal Road via a single width unmade track with a central grass verge. The track is approximately 140 metres in length before perpendicularly meeting the canal and associated towpath. This track and towpath are outside of the applicant ownership, and are shared use with users of the canal, properties adjoining the track and the Thortindale Cottage. Although several dwellings along the track have direct pedestrian gates between their rear gardens and the track, Thortindale Cottage is the only property using this track for vehicular access to their dwelling. The track is also used by the Canal and River Trust (CRT) for maintenance of the canal and the Hatlex swivel bridge crossing the canal to the application site, which is owned and maintained by CRT, but the application site has a legal agreement regarding use. Although the track is accessible to motor vehicles, and is used as such, there are obvious constraints to this access, and there are no passing places along its length.

7.4.2 A residential care home is a fairly intensive residential use (use class C2), likely to generate trips over and above the average household, with staff often coming and going as part of a work shift pattern, other workers visiting the site to supplement the support given to its residents and the transportation of the residents to off-site facilities, such as schools and recreation. The supporting statement details anticipated vehicle movements of carers starting/finishing work, parking requirements and the number of staff regularly on site. It is anticipated that 6 parking spaces are required for the regular arrangements of running the care home. The proposed site plan demonstrates the provision of 8 parking spaces through the creation of two further spaces than existing. This would allow for any controlled or unannounced visit. Therefore the proposal is considered to provide sufficient levels of parking provision, consistent with Policy DM22. This additional parking provision would need to be created prior to occupation, and retained as such alongside the existing parking provision at all times thereafter, which can be controlled by planning condition.

- 7.4.3 The anticipated vehicle movements as part of the proposed use include periods where three or four vehicles may enter or leave the site within an hour each day associated with regular staff changeover, in addition to other vehicular movements and transportation requirements of the young people residing at the site. This will create additional traffic along the track beyond that expected of a dwelling, even that of a large 6-bed family dwelling, such as the application site, although it should be noted this would be a relatively modest increase and not a constant flow of traffic. The use of the dwelling has existing rights of vehicular access using this track, as do CRT for maintenance, and therefore there is an existing requirement for these vehicles and other users of the track and canal towpath to negotiate safe passage of one another. The use would likely result in some additional vehicle trips along this track, crossing the towpath and bridge to access the site.
- 7.4.4 The application proposes the creation of two passing places along the unmade access track, one at the entrance from Coastal Road, and the other approximately 80 metres east of the first, near the end of the cul-de-sac Whitendale Drive. Given the size and location of these two passing places, it is considered that two domestic vehicles, or a vehicle meeting a pedestrian or cyclist along this track, could safely pass each other without the need for vehicles to reverse back across the canal towpath or onto the public highway. Furthermore, given the presence of a parallel footpath immediately north of this track (owned and maintained by The Orchards Management Company Ltd but available for public use) there is a reduced risk of vehicles and pedestrian/cyclist conflict, though due to the design of this footpath, the access track that is part of this proposal is more suitable for those with restricted mobility. Therefore it is likely the track will still be used by some despite the alternative parallel provision.
- 7.4.5 The conclusion that these mitigation measures satisfactory and proportionately address the intensified use of the track is shared by County Highways, whom raise no objection to the proposal, and consider that additional vehicle movement would have no severe impact upon the public highway, namely Coastal Road. The proposed passing places would need to be provided in full at a minimum width of 4.1 metres prior to occupation. Given the modest nature of the proposed developments and its requirements are covered by other legislation, it is considered that a requiring a construction management plan as recommended by County Highways would not meet the tests of NPPF.
- 7.4.6 Access to the site crosses the Lancaster Canal and associated towpath, which is well used by walkers, canal boats and cyclists as part of the designated cycle route. Caution would need to be shown by both vehicles accessing/egressing the site and other users of the canal. This is similar to caution required when crossing under a bridge, where the canal and towpath narrow and users meeting one another need to accommodate each other's movements. However, unlike an overhead bridge, the crossing point for access to the application site is less noticeable, particularly with vehicles travelling eastwards. The Canal and River Trust (CRT) have been consulted, raising concern regarding potential conflict between vehicular traffic and towpath users. Subsequently, amended plans for a second passing place have been proposed, and the applicant has agreed to a planning condition for additional signage to be provided at the crossing point, as recommended by CRT. Subject to the signage details being agreed and implemented prior to occupation, along with the passing places, this is considered to have no detrimental impact upon users of the canal and towpath, compatible with Policy DM21 and DM25.
- 7.4.7 A number of public consultation responses have raised concern regarding the access as outlined above, in addition to that of access for large vehicles from emergency services, waste collection and delivery vehicles. The CRT consultation response specified that the bridge is maintained at a 3 tonne maximum gross vehicle weight limit, although also state that this does not mean that the bridge does not have a greater capacity. Although the proposed use is likely to generate additional vehicular movements from domestic sized cars through staff changeovers, in terms of waste collection and deliveries, the site would have no additional demand above that of the existing large dwelling. Similarly, there is no evidence that the proposed use would attract a greater number of visits from emergency services in large vehicles. The application proposes to accommodate 4 young people, which can be restricted to this number through planning condition, particular as County Highways gave weight to the fact that all these young people could be transported in a single domestic size vehicle with a carer/driver. Therefore, the proposal is considered to require no additional large vehicles visiting the site above that of the existing dwelling, and as previously detailed, the impact upon the highways, parking, and impact canal and towpath users can be satisfactorily mitigated through planning conditions.

7.4.8 The proposal seeks permission for a C2 use. It is recognised that other C2 uses, such as nursing homes, can generate significantly different and more intensive forms of vehicle movements. Therefore it is appropriate, on this occasion, to limit the use to a children's care home, as well as the number of young people that will be accommodated.

7.5 Impact upon Protected Trees and Hedgerows

7.5.1 The application site contains 4 protected trees, and the access track is lined by neighbouring boundary fences but predominantly mature hedgerow, particularly to the north side. The application proposes works to the surface treatments and boundaries within close proximity of this vegetation, and a Tree Protection Plan (TPP) was requested to ensure these works could be carried out without impacting these protected trees and hedgerows. A TPP was subsequently submitted detailing protective fencing and hand dig methods to ensure the retention and protection of existing vegetation, with the exception of a 4 metre section of hedgerow, which is to be removed to facilitate the provision of the western passing place. A dead tree is also to be removed. The Council's Tree Protection Officer has reviewed the information and raises no objection. Given that root friendly methods and materials are proposed, the development is considered to have no detrimental impact upon trees and hedgerows if carried out in accordance with the submitted TPP.

7.6 Residential Amenity and Drainage

7.6.1 The application site is in a residential area, and therefore a change of use to a residential care home must ensure that the residential amenity of the area is protected.

7.6.2 The property forms a large detached dwelling with ample curtilage area, with separation created by the canal, depth of curtilage and topography, resulting in a level of separation from the majority of neighbouring properties. The neighbouring dwelling immediately south of the site is separated from the Thortindale Cottage building by less than 6 metres, and any changes or intensification of use is likely to be experienced to a greater degree by this adjacent property. In addition those adjacent to the access track are likely to notice the additional vehicle movement along this track. However, whether it be a large family dwelling (C3) or a residential care home (C2), the noise generated will be nominal and similar. The need to establish boundaries and behaviour for young people is a common requirement of both a family home and residential care use, with the latter requiring trained professionals and Ofsted inspections to provide a suitable environment. Regarding the nature of the use and those in receipt of care, occupants must be suitable for household living and the use must adhere to Ofsted requirements. Therefore it is considered that the impacts on residential amenity of a 6-bed dwelling are very similar to a residential care home for 4 young people. Furthermore the use is also considered to have no additional impact upon drainage above that expected of a 6-bed dwelling.

7.6.3 The use requires shift working care staff to provide 24 hour a day care provision, with two carers on duty overnight and regularly 4 employees on site during the day. Although minor addition to vehicle movements may be required for the proposed use, given the established use of this track by motor vehicles associated with the dwelling and canal maintenance, the traffic noise is considered to be marginal and will have no detrimental impact upon neighbouring residential amenity.

7.6.4 The property is considered suitable for the proposed use, with all habitable rooms of sufficient scale and benefiting from outlook and natural light, offering acceptable residential amenity to future occupants. The main private curtilage area is also considered to be sufficient. Although the site is immediately adjacent to the Lancaster Canal and access via a Hatlex swivel bridge, there are existing fences and gate bounding the site, and this presents no greater danger to the proposed occupants than it would as a residential dwelling. Indeed, it could be argued that the proposed use offers a greater level of supervision by professional carers, particularly during the day when more than two employees are anticipated to be on site. The site is approximately 1km walk from sports and recreation facilities in Hest Bank. The proposed use is considered to have an acceptable impact upon residential amenity, compatible with policy DM35.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

- 9.1 The proposed use will provide a place of care for 4 young persons that cannot be provided by a family parent or guardian due to family circumstance. The site is considered to be suitable for the needs of these young persons. Although likely to generate a modest level of additional vehicular trips, the provision of two passing places along the single width unmade track, additional parking provision on site and signage on the towpath is considered to satisfactorily and proportionately mitigate the impact upon users of the track, canal, towpath and public highway. The intensified residential use and use of the track is considered to have no detrimental impact upon neighbouring residential amenity or drainage, and the existing trees and hedgerows (with the exception of a 4 metre section of hedge) are retained and this is considered acceptable. Therefore the application can be supported subject to planning conditions

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Development to be carried out in accordance to approved plans
3. Implement the mitigation measures in the TPP and retention of existing trees and hedges
4. Submit details of signage, to be agreed with Canal and River Trust, and implemented prior to use and retained
5. Provision of surfacing, 4.1m wide passing places and parking prior to use and retained
6. No more than 4 young persons shall be in receipt of care by the residential care home at any one time
7. Notwithstanding the provisions of the Use Class Order, the property shall be restricted to children's care home and no other use within Use Class C2 without the express consent of the Local Planning Authority

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None