

Agenda Item	A10
Application Number	21/00801/CU
Proposal	Retrospective change of use of dwellinghouse (C3) to a residential care home for children (C2)
Application site	11 Berwick Way Heysham Morecambe Lancashire
Applicant	Mr Martin Horner
Agent	Ms Ana Popovic
Case Officer	Mr Sam Robinson
Departure	No
Summary of Recommendation	Approval (Subject to no objection from Lancashire Constabulary, and delegation back to the Head of Planning and Place to allow consultation period to expire)

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, the application was called in within 21 days of the application appearing on the weekly list of planning applications by Cllr Colin Hartley and Cllr Mike Greenall who requested the application to be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The property which forms the subject of this application is a two-storey detached residential property on the southern side of Berwick Way in Heysham which lies opposite Heysham Cricket Club. The property has garden to the front and rear with an existing driveway to the front which is able to accommodate 2-car parking spaces. The property is already used as a car home albeit does not have any formal planning permission in place. Historically, the property provided a home to 5 young persons with 1 member of staff.

1.2 The surrounding area is residential in nature with open fields and the Cricket Ground to the north of the site.

1.3 The only notable designation affecting the site is that it suffers from surface water flooding.

2.0 Proposal

2.1 This application seeks to regularise the existing C2 use with some internal alterations in order to provide long term accommodation for vulnerable children who may have emotional and/or behavioural needs. The home will provide care for 3 children between the ages of 8 and 18 with 10 members of staff employed and at least 2 of these members of staff on duty 24 hours a day.

2.2 The existing driveway is to be widened to facilitate an extra 2-car parking spaces to the front of the property. Excluding this element, there are no external alterations proposed to the scheme.

3.0 Site History

3.1 There is no relevant planning history related to this site.

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No response
County Highways	No objection (Advise that the dropped kerb requires separate consent under the Highways Act)
Environmental Health	No response (Confirmed no information relating to nuisance logs or ASB)
Fire Safety Officer	No response
Lancashire Childcare Service	No objection (Would not have supported existing 5-bed unit but the change to a 3-bed unit fills a demand and is required within the district)
Lancashire Constabulary	Awaiting response

4.2 **10 pieces** of correspondence of objection have been received. The reasons for objection include the following:

- Retrospective nature of application
- Highways impact
- Safeguarding issue
- Disturbance/ASB/noise and impact on residential amenity of surrounding properties/residents
- Business rather than charity
- Other more suitable locations available
- Inappropriate use
- Overlooking

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of the use
- Design
- Impacts upon residential amenity
- Parking and highways

5.2 **Principle of the use** (NPPF paragraphs 7-14 & 92 and Policy DM8 of the Development Management DPD)

5.2.1 Policy DM8 of the Development Management DPD states that proposals for accommodation for vulnerable groups will be supported subject to the proposal meeting the following criteria:

IX. The proposal meets genuine housing needs of the intended occupiers;

X. Provides the appropriate standards regarding accessibility, facilities, independence, support and/or care needs;

XI. Is well located to shops, public transport, community facilities and the social networks appropriate to the needs of the intended occupiers;

XII. Is affordable in the context of financial support available to the intended occupiers;

XIII. Is accompanied by a care plan and needs risk assessment setting out the type and level of support to be provided clearly demonstrating that any perceived risk can be managed appropriately in the proposed setting;

XIV. Facilitates move-on accommodation where appropriate;

XV. That priority is normally given to vulnerable people who have a local connection to Lancaster district over and above households that are otherwise the responsibility of or are owed assistance by another Local Authority; and

XVI. All proposals have the full support of the relevant Commissioning Manager in writing for the relevant vulnerable group and the plans align to Commissioning Plans.

- 5.2.2 The internal alterations to the property will allow for an open plan kitchen/dining space improving accessibility throughout the building and allow for each of the bedrooms to allow for an en-suite improving the quality of accommodation for the residents. The application site is located in a sustainable and accessible location in Heysham close to existing shops, public transport and recreational areas all within walking distance. The proposed use would also provide accommodation for vulnerable group for which there is an identified need.
- 5.2.3 In relation to point XIII, the agent confirmed that each of the individuals has an accompanying care plan. When approached by a local authority with details of a young person, the care provider does an impact assessment, risk assessment and a care journey plan individually tailored to each of the residents needs and requirements.
- 5.2.4 The Commissioning Manager stated that there is a lack of supply for placements in smaller residential care homes (3-bed or less). These are more suitably equipped to meet the needs of young people who have complex behaviour and requirements. The Commissioning Manager also confirmed that the number of placements with the provider is relatively low as their model has been to operate larger provisions in neighbouring Cumbria and Blackpool. The move to a 3-bed model alongside an indication that they will be applying for Lancashire's new commissioning arrangements suggests that there will be greater collaboration with this provider.
- 5.2.5 The letters of objection cite frustration at the retrospective nature, state that building operates as a business rather than charity and is one of an inappropriate use in this location. While the retrospective element is unfortunate, it does not affect applying policy to the proposal. In addition, the change of use occurred prior to the applicant purchasing the property which they are now seeking to obtain the relevant permission. While the comments relating to the business nature and inappropriate use have been noted, the property would not be operating as a traditional business. The use of a building with 3 children and 2 carers is similar to the numbers associated with a residential family home. In addition, the fact that many services are located in close proximity makes it a suitable location for such a use. It is recommended that a condition to ensure that the property is restricted to C2 only is recommended, to ensure that inappropriate uses do not occur within the locality.
- 5.2.6 It is also considered that a cascade condition would be required to ensure that the proposal would meet a local need. This would include a child or young person (under 18 years of age) who have been living in the district for 3 years or more, has a local connection to Lancaster District, has a local connection to North Lancashire, has a local connection to another district within Lancashire. This is to ensure that there is a local need for the residential institution.
- 5.2.7 Considering the points listed above, and subject to the inclusion of the recommended condition, the proposal is seen to comply with Policy DM8 and therefore the principle of the use is supported.
- 5.3 **Design** (NPPF paragraphs 126, 130 & 134 and Policy DM29 of the Development Management DPD (2020))
- 5.3.1 As stated in paragraph 2.2, excluding the alterations to the driveway, there are no external changes to the property. The increased car parking provision will increase the amount of hardstanding to the front but it does not appear disproportionate to the site. The remaining front garden will continue to provide an area of soft landscaping to provide a visual break. As such, the visual impact of the proposed use and additional parking spaces will be minimal and inconspicuous in this residential area.

5.4 **Impacts upon residential amenity (NPPF paragraphs 126, 130 & 134 and Policy DM29 of the Development Management DPD (2020))**

5.4.1 Many of the comments relate to the impact of the use on the residential amenity of the surrounding properties.

5.4.2 As discussed in paragraph 2.1, the property would serve 2 members of staff 24 hours a day to support 3 children, this would be done on a rota basis with other members of staff visiting from time to time. The arrival and departure of staff would result in some activity at certain points in the day however, this is not considered to be dissimilar to school or work runs that one would find within residential areas. Such movements would have minimal disruption on the surrounding area and would not have an adverse impact on the amenity of the neighbouring properties.

5.4.3 Further comments related to potential noise and anti-social behaviour from the occupiers on the surrounding properties and occupiers. The Council has been made aware of a number of anti-social activities in the area and while this concern is noted, the reduction of children from 5 to 3 and increase from 1 to 2 full time carers throughout the day will provide a better balance between the carers and the young persons allowing for their behaviour to be better managed. At least 2 members of staff will be on site at all times acting as their carers and will be responsible to ensure that there is no greater noise and disturbance than one would find in a residential home. As such, the management of the occupants should ensure that the occupation of the property would not be unlikely to have an unreasonable impact on residential amenity beyond that of a 5 bedroom dwellinghouse, which could similarly provide residential occupation for children in receipt of care in the form of a more traditional family household. The comment in relation to overlooking is noted but the proposal raises no concerns in terms of overlooking as there are no external alterations/insertion of new windows to the building. The footprint of the building is already established and offers the same views whoever occupies it.

5.4.4 While not a statutory consultee, Lancashire Constabulary have been consulted on the application and any comments received will be updated to committee members in due course.

5.4.5 The property is considered suitable for the use, with all habitable rooms of sufficient scale and benefiting from outlook and natural light, offering acceptable residential amenity to future occupants.

5.4.6 Due to the control of the management of the home, it is not considered appropriate or reasonable to impose any conditions on the management of the institution. However, it is reasonable to require a condition to restrict the occupancy for three persons in care only to ensure that the proposal continues to provide a genuine housing need and any intensification of the use of the building can be adequately addressed by the LPA.

5.5 **Parking and highway (NPPF paragraphs 111 & 112 and Policy DM62 of the Development Management DPD (2020))**

5.5.1 Appendix E of Policy DM62 outlines the maximum car parking standards for development types. A residential care home is required to provide a maximum 1 space per 5-beds whilst a 5-bed residential care home requires 3 spaces. The proposal exceeds both these figures and is therefore seen to meet the requirements for this particular use. Moreover, there are bus and footpath links in close proximity to the site and Berwick Way has unrestricted on street parking. Taking all of this into account, it is not considered that the proposal would result in any significant highway safety issues. County Highways have also been consulted and had no objections. Subject to the implementation of a permeable driveway to aid drainage and sufficient amount of off street parking, the proposal is seen to comply with Policy DM62.

6.0 Conclusion and Planning Balance

6.1 The proposal will be an improvement on the existing set up with a more suitable ratio between staff and young persons with improved parking arrangements. The Commissioning Manager has confirmed that there is a need for 3-bed placements and consequently, the proposal is considered to comply with Policy DM8. By increasing the numbers of staff, it is expected that issues of anti-social behaviour will decline and thus improve the amenity for the neighbouring properties. As such,

the proposal is seen to comply with the relevant local and national policies and is recommended for approval.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard 3-year timescale	Procedural
2	Development to accord with plans	Procedural
3	No more than three young persons, aged 18 years or under.	Control
4	Cascade mechanism for local occupancy	Control
5	Limitation to use class	Control
6	Provision of permeable car parking spaces	Control

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

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 taken 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