

REPORT OF:	ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL AND REGULATORY SERVICES
TO:	DEVELOPMENT MANAGEMENT COMMITTEE
DATES:	20TH MAY 2025

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 20TH MAY 2025

Application Ref: 25/0136/FUL

Proposal: Full: Change of use from a dwelling (Use Class C3) to a Children's care home (Use Class C2) for 1 no. child.

At 28 Avon Drive, Barnoldswick, Lancashire, BB18 6ET

On behalf of: Murtaza Ahmed Hussain

Date Registered: 10.03.2025

Expiry Date: 05.05.2025

Case Officer: Negin Sadeghi

REFERRAL TO DEVELOPMENT MANAGEMENT COMMITTEE from WEST CRAVEN COMMITTEE – 06.05.2025

Site Description and Proposal

The application site is a semi-detached two-storey dwelling located on Avon Drive, to the northeast of Barnoldswick, within an established residential area. The property features pebble dash walls, a dark pitched roof with solar panels, and white-framed windows and doors. The house benefits from a surfaced driveway and landscaped garden, which wraps around the side and rear of the dwelling. The front garden allows space for two off-road parking spaces, with the potential to increase provision through minor alterations. Planning permission is sought for the change of use of the dwelling (Use Class C3) to a children's care home (Use Class C2) for the accommodation of one child aged between 8 and 18. The proposed care home would be staffed on a 24-hour basis by live-in carers working on a rota. No external alterations are proposed as part of this application.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways:

The site was visited on 25th March 2025.

After initial clarification of the use of the premises, the Highways Authority does not object to the application subject to adding conditions on dropped kerbs and having parking on site.

Parish/Town Council: No response received.

Environmental Services (Health): No response received.

Architectural Liaison Unit:

Summary: The Crime Impact Statement provided recommends various security measures to ensure the safety of the child, staff, and wider community, including Secured by Design (SBD) standards. These measures are essential to mitigate risks such as burglary, criminal damage, and vehicle crime. They include secure boundary treatments, robust gates, and access control systems. Additionally, the property should be equipped with CCTV coverage, intrusion alarms, and tamper-resistant fencing to enhance security.

Public Response

The nearest neighbours were notified by letter, and objections were made based on the following:

- No details about the type, age, or background of the children to be accommodated.
- Concerns about the applicant's intentions, with the property listed for sale.
- Perception that the application is speculative and financially motivated.
- Lack of community consultation by the applicant.
- Concerns about poor sound insulation and noise transfer between semi-detached properties.
- Fears of increased noise from staff shift changes, residents, and visitors.
- Potential disruption to the peaceful enjoyment of neighbouring homes.
- Avon Drive is a narrow, congested cul-de-sac with limited parking.
- Existing double parking and pavement obstruction are already problematic.
- Increased traffic from staff, visitors, and emergency services could exacerbate these issues.
- Safety risks for pedestrians, particularly children and those with mobility issues.
- Fears of increased anti-social behaviour, vandalism, and disruption.
- Concerns about vulnerable children being exposed to or contributing to local issues.
- Worries about insufficient police presence to manage potential problems.
- Perceived risk to nearby children, families, and elderly residents.
- The quiet residential street is primarily occupied by elderly people and young families.
- Proximity to the Leeds and Liverpool Canal raises safety concerns for unsupervised children.
- Perception that the area is not suitable for a children's care home due to its character.
- Concerns that a care home is more of a business than a residential use.

- Fears that approval could set a precedent for future similar applications, eroding community character.
- Reference to Lancashire County Council's Market Position Statement (Dec 2024), which reportedly states no more solo children's homes are needed in the area.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy:

- **Policy SDP1:** The proposal is in line with the presumption in favour of sustainable development.
- **Policy ENV1:** Ensures that new developments preserve or enhance the character and appearance of the area.
- **Policy ENV2:** Encourages high design standards in new development to maintain the quality of life for residents and protect the area's heritage.
- **Saved Policy 31 of the Replacement Pendle Local Plan:** Requires development to meet parking standards.

National Planning Policy Framework (NPPF): The NPPF promotes sustainable development and outlines three dimensions: economic, social, and environmental. It encourages development that meets the needs of the community and enhances local life quality while ensuring that any adverse impacts are mitigated.

Officer Comments

The summary of proposal is as below:

Property: Semi-detached two storey dwelling with 2 bedrooms (one child, one staff), bathroom, lounge and kitchen/dining room.

Residents: One young person (aged 8-18) staying for a maximum of 10 years.

Staffing: Minimum of 2 carers at all times, ensuring a 2:1 ratio, supported by a Home's Manager.

Occupancy: At any time, a maximum of 4 people would be present, including staff, support services staff and a young resident.

Night Coverage: At least 2 staff members on-site, bringing the minimum overnight occupancy to 3 people.

Shifts: Based on a rota system, with early (7:00am-3:00pm), late (2:30pm-10:30pm), night (10:00pm-7:30am), and long day (7:00am-10:30pm) shifts.

Support Services: Occasional visits from a child psychologist and social worker (90 minutes maximum) and maintenance visits as needed usually lasting 60 minutes every 2-3 months approx. Therapy, most activities and meetings will take place within the community or at the company's head office.

The home will be occupied by one child and staffed by up to two carers at a time, which is unlikely to result in activity levels significantly above those of a typical residential dwelling.

Design and materials

No physical changes are proposed to the external appearance of the property. It would retain a domestic character and continue to sit comfortably within the street scene.

Residential Amenity

The scale of the proposed use – one child and a small number of carers – is comparable to a typical household. There is no evidence that the change of use would result in unacceptable noise levels, or any anti-social behavior based on caring for one child. There will be staff change overs that will involve staff vehicles arriving and leaving. This will be minor and short duration movements that will not cause harm to the amenity of neighbouring residents.,

Concerns have been raised regarding potential disturbance. However, the proposed use, which includes the accommodation of one child with on-site support staff, is not inherently noisy or disruptive. No external changes are proposed, and there is no evidence to suggest that the development would generate noise or activity levels beyond what could reasonably be expected from a residential dwelling. The operation of the care home would be subject to Ofsted regulation and safeguarding requirements, which would help ensure responsible management.

Highways and Parking

Three off-street parking spaces would be provided, which the Highway Authority confirms is sufficient. Modifications to the vehicle crossing and surface water drainage can be secured via conditions.

Other Issues

The concerns raised by objectors have been addressed within the report. However, some matters are not material planning considerations. The motives of the applicant in bringing forward the application are not material considerations. The proximity of the Leeds and Liverpool Canal is a generic matter and cannot be given planning weight.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with the Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development hereby permitted shall begin no later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out in accordance with the following approved plans: CL 02255929/2; 02255929/5.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The parking areas shown on the approved plans shall be constructed in bound porous materials prior to first occupation and shall be retained thereafter for parking purposes only.

Reason: To ensure sufficient off-street parking and prevent obstruction of the highway.

4. Prior to the first use of the premises hereby permitted, details of a surface water drainage scheme for the proposed hardstanding shall be submitted to and approved in writing by the Local Planning Authority and the scheme shall be implemented in full and maintained as approved.

Reason: To prevent surface water discharge onto the public highway in the interest of highway safety.

5. The premises shall be used as a residential care home for a maximum of one child at any one time and for no other purpose (including any other purpose within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). It shall not be used for a Class C2a use, nor any other use permitted under the Town & Country Planning (General Permitted Development) Order 2015.

Reason: To safeguard residential amenity and ensure the appropriate use of the site.

Informative Note:

This permission requires construction or alteration of access to the publicly maintained highway. Before any work commences, the applicant must contact Lancashire County Council (Highway Authority) at lhsvehiclecrossing@lancashire.gov.uk to begin the Section 171 process and obtain the list of approved contractors.

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