

Application Recommended for Approve with Conditions
Briercliffe Ward

FUL/2019/0629

Town and Country Planning Act 1990

Convert dwelling (Class C3) to a childrens' care home with rooms for education (mixed C2/D1 use) and external alterations
Bend Hill Farm Granville Street Briercliffe Lancashire

Background:

The proposal is to adapt an existing farmhouse with attached garage to use as a childrens' care home for up to six children. The proposed care home includes teaching rooms for on-site education.

The property is large enough to support the proposed use without extension and only minor external alterations, including replacing the existing garage door with windows. The originally submitted application included a proposed dormer to the front and rear of the existing garage roof but these have been removed from the proposals and replaced by 2no. rooflights to both the front and rear garage roofslopes.

North elevation



South elevation



Approach to north side

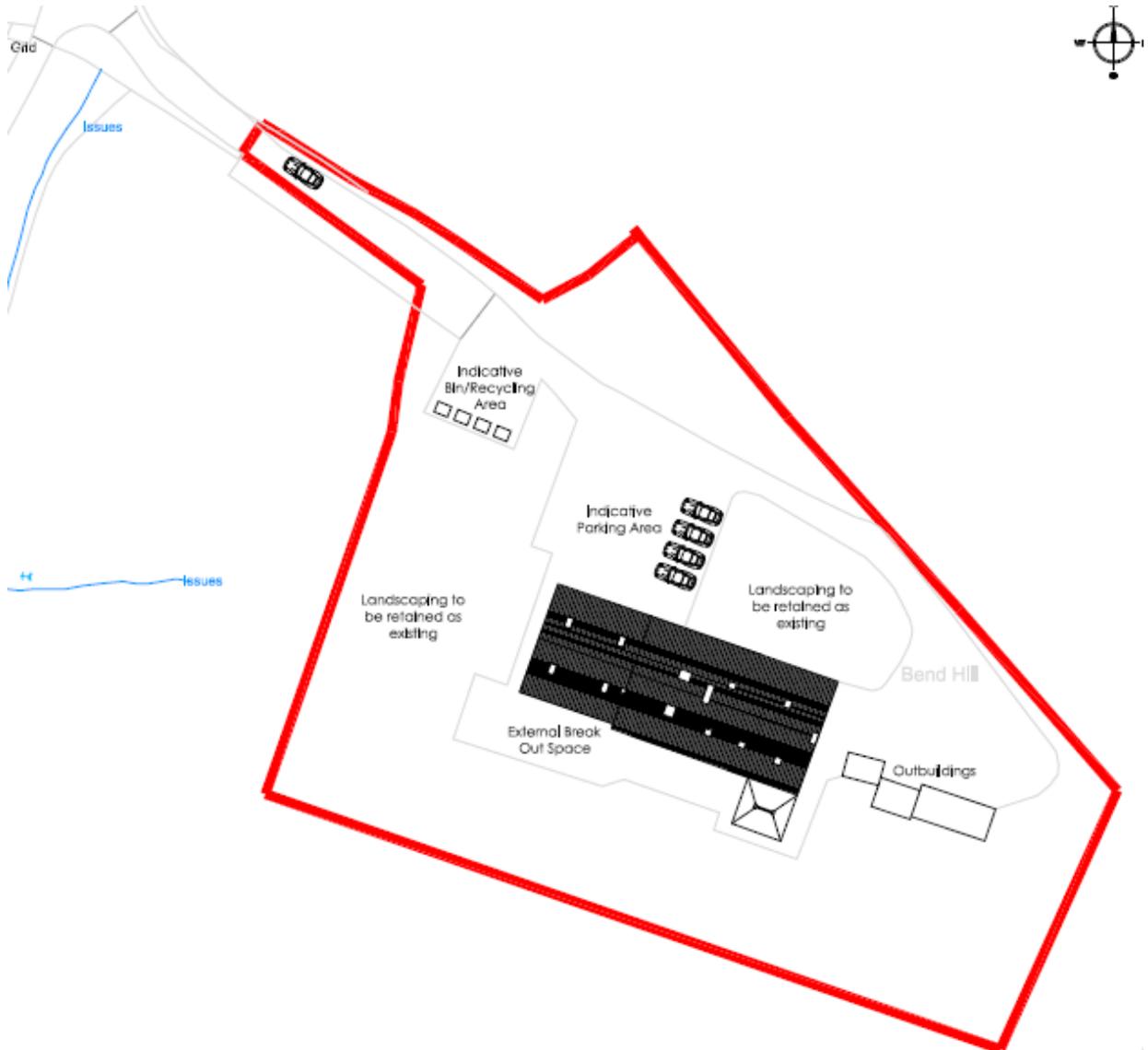


Driveway



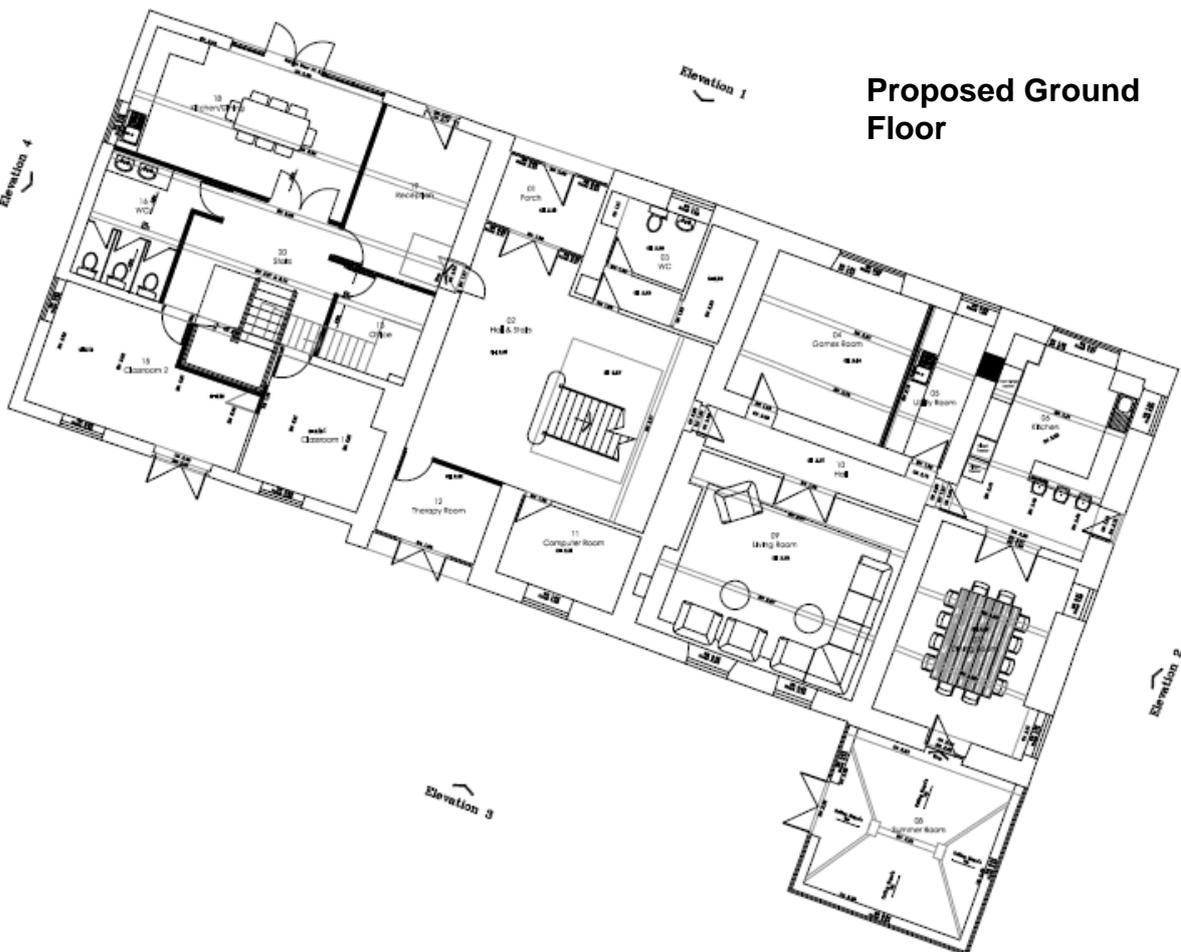
The property is accessed from an access track off Granville Street which also contains Public Footpath No.153 (Briercliffe). Part of the Brun Valley Greenway is located within the open fields to the south and east sides of the site.

Proposed Site Plan



The property would be used as a Class C2 residential care home for six children living together with care provided and also partly for the provision of education for those six children (Class D1). The proposed ground floor would provide a kitchen, dining room, games room, living room, computer room, therapy room, a reception room and two classrooms; whilst, the first floor would provide six bedrooms for children, a staff bedroom and two classrooms.

Part of the roofspace of the main two storey property would be used as an office and a further staff bedroom.



The proposed residential home would be for children aged between 6 and 18 years in need of support in overcoming some form of childhood trauma. The applicant intends to provide quality care in a family home setting.

Relevant Policies:

Burnley's Local Plan (July 2018)

SP4 – Development strategy

SP5 – Development quality and sustainability

NE5 – Environmental protection

IC1 – Sustainable travel

IC3 – Car parking standards

The National Planning Policy Framework

Site History:

12/93/0134 – Conversion of barn to dwelling: extension to existing cottages; alteration to existing outbuildings and conversion to garage, removal of brick dairy shed and upgrading existing lane. Approved June 1993.

Consultation Responses:

LCC Highways

No objection.

Environmental Health

No comments to make.

Briercliffe Parish Council

The Parish Council expresses some concern but states that this does not amount to an objection. There is a concern regarding the joint use of the farm road to Bend Hill Farm from Granville Street and Hallam Street. There are at least three residential properties at Musty Haulgh Farm which is lower down the farm road and a small agricultural holding. The concern is the amount of traffic that may use this road. In good weather the road serves as a well used path which gives access to the Oggly Coggly and another path that leads to Netherwood. Request that consideration be given to safety issues and the potential frequency of traffic movements generated by the Bend Hill development.

Publicity

A letter of objection has been received from Councillor Margaret Lishman. The letter states that Councillor Lishman has received representation from residents in the vicinity of the proposed development that raise concerns about the state of the access to the site and the proposed use as a childrens home. The concern relates to the very poor condition of the access and additional traffic that would worsen the situation. It also states that there is concern that the future residents of the facility would cause problems locally.

Letters of objection have been received from 13 properties, including Musty Haulgh Farm and Musty Haulgh Barn and from a person who states that he owns the access

road to Bend Hill Farm and that the applicant does not have legal access over the road for the proposed use. A summary of the objections is provided below:-

- The lane cannot withstand any more traffic and is a terrible state of disrepair and almost impassible
- The track is used by dog walkers, horses and families, using the public footpath leading to the Burnley Way and Bronte Way
- It is difficult to pass safely on the lane
- Impact on safety and well being of local residents and users of the public footpath
- Access 24/7 by 18 staff and other professionals, deliveries, post van etc would not be safe
- Increase in noise from and disturbance from traffic with shift workers causing noise at unsocial times of the day
- It will blur the urban and rural boundary
- Impact on ecological features
- A flood lit area will cause light and noise pollution
- Unacceptable loss of privacy with increased opportunity for overlooking
- Should protect the rural area to safeguard its unique character
- The proposal is a business and will generate a disproportionate amount of traffic
- Object to external changes and dormers that would be out of character with the farmhouse [the proposed have now been removed from the proposals]
- Impact of fumes/air quality from increase in traffic and affect on health of the users of the public footpath and local residents
- The area of Briercliffe has a serious and ongoing problem with gangs of youths
- Fear of crime and anti-social behaviour, concerns about security
- Concern over the type of social/behavioural problems that the applicant deals with and the affect this could have on families with children in the surrounding residential area
- Lack of nearby amenities for occupants
- It will put additional strain on the local community police officers
- There are 60 childrens' homes across Burnley, Pendle, Rossendale, Blackburn and Ribble Valley and the applicant has not justified the need for a further one in the area

Planning and Environmental Considerations:

Principle of proposal

The proposal is for a supported residential use, utilising an existing large dwelling in spacious surroundings, on the edge of the Briercliffe urban area. The development is confined to a change of use without the need for expansion or new buildings. Given that the proposed use would be mainly a residential use with associated schooling/education, it would not conflict with Policy SP4 which seeks to strictly control development in the open countryside. A neighbour objection states that a need for a further childrens' home has not been justified by the applicant. Whilst the applicant is likely to have a different view it should be noted that there is no planning requirement to demonstrate a need. The National Planning Policy Framework (NPPF) states that plans and decisions should apply a presumption in favour of sustainable development. The re-use of an existing building for a supported residential use would therefore be acceptable in principle. The main issues relate to the suitability of the proposed use,

having regard to access considerations, impacts on the rural character of the area and residential amenities.

Suitability of access

Policy IC1 states that development schemes should, as appropriate to their nature and scale, promote sustainable travel and provide safe and convenient access.

The proposed site is at a convenient location on the edge of the built-up area. The proposed use is similar to a domestic household, with up to six children within the ages of 6-18 living together but with care provided by professionals, inclusive of education needs. There may be up to a total of 25 staff employed overall with 18 of these being care workers, working across three shifts (six care staff at any time). Concerns have been raised by neighbouring properties that the single track private access leading from Granville Street to Bend Hill Farm is inappropriate to cater for additional traffic.

The private lane in question which is also a Public Footpath is in a very poor state of repair with large pot holes, making it difficult and unsuitable for domestic vehicles. In terms of the volume of traffic, whilst there would be regular daily trips for care workers and professionals to the site, these are not too dissimilar to those associated with the volume of trips to and from a very large domestic property. Notably, the premises which were previously occupied as cottages and a farm would also have been capable of generating higher levels of traffic movements along this lane.

The lane is single width but there is good visibility and line of sight between the turning into Bend Hill Farm and the start of the lane from the end of Granville Street and this enables a vehicle to wait if needed before proceeding along the track. There would be a ceiling on additional traffic movements as the number of care workers and other professionals attending the premises would be directly related to the number of children who would be living at the premises which is up to six only. This level of increase in traffic movements would be small and limited and would not significantly affect either the safety or enjoyment of the public footpath. There is no reason, in volume terms, why the existing lane would be unsuitable to serve the proposed use. The local highway authority has stated that they have no objections to the application.

In terms of the repair of the lane, it is acknowledged that the part of the lane from the end of Granville Street up to the start of the driveway to Bend Hill Farm is in a neglected and poor state of repair. This condition has only worsened over years and requires basic repairs to allow it to be continued to be used for access purposes. The applicant has agreed to carry out suitable maintenance. The access road would be scraped to remove irregularities and new surface material introduced and rolled in firmly to create a solid base. Following on from this, the lane would be maintained by repair patches and resurfaced when required.

A condition is recommended to require the maintenance to be carried out prior to the commencement of the proposed use. Notably, the owner of the private access road has objected to the application and states that there is no right of access for the proposed use. The applicant asserts that this is incorrect. This is a private and legal matter for the parties concerned. The proposed use can be adequately served by the existing access and in this case, due to its poor condition, the applicant has agreed to carry out basic maintenance. The site also provides adequate space for parking. The proposal therefore satisfies the requires of Policy IC1.

Impact on site's rural character

Policy SP5 requires proposals to, amongst other things, have respect to their landscape setting. The proposal, as submitted, included two new dormers to be constructed in the existing garage roof. These would have appeared discordant with a vernacular rural building and as such, the applicant agreed to replace these with new rooflights. The proposal involves minimal other external changes, including the replacing the existing garage door with windows. The landscaping within the curtilage of the property would be retained as existing and adequate space provided for refuse and recycling storage which can be concealed by a screen enclosure. A neighbour objection refers to the potential for light pollution. There is already patio and outside sitting areas at the property but a condition is recommended to require any additional external lighting to be agreed with the Council. The proposed changes to the existing dwelling are therefore minimal and would not lead to any significant impact on the rural character of the site or the surrounding area. There would therefore be no conflict with Policy SP5.

Residential amenities

Policy SP5 requires proposals to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users and occupiers of the development.

The nearest part of the property at Bend Hill Farm is approximately 95m to the rear elevation of the nearest dwelling on Talbot Drive and a minimum of 50m between the nearest part of the corresponding curtilages. There is therefore no significant impact on residents from the occupation of the property as a childrens' home. Neighbour objections refer to increased noise and pollution from car trips using the private lane. However, the number of trips associated with care workers and professionals would be limited and would not lead to any discernible increase in noise or pollution.

Neighbours are also concerned that the proposed use would lead to problems with anti-social behaviour and crime. There is no reason, however, to believe that this would be the case and these are not planning issues that affect the consideration of this application.

The property is a suitable for the proposed use and would not significantly affect existing residential amenities and therefore complies, in this respect, with Policy SP5.

Conclusion

The premises would be a suitable use as a small childrens' home, catering for the needs of up to six children. The access serving the site is in poor condition but basic improvements which have been agreed with the applicant would be sufficient to afford improved access to the site. There would be no significant impact on the amenities of neighbouring properties which are relatively remote from the premises and fears of anti-social behaviour and crime are not material planning considerations in this case. There is a presumption in favour of sustainable development; the proposal complies with the development plan and there are no material considerations that outweigh this finding.

Recommendation: Approve with conditions

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans listed on this notice below.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. The property shall be occupied as a residence for the care of up to a maximum of six children up to 18 years of age only.

Reason: To ensure the satisfactory implementation of the proposal and to ensure that the scale of the development is suitable for the site, having regard to traffic and trip generation along a single width private access, in accordance with Policies SP5 and IC1 of Burnley's Local Plan (July 2018).

4. The use of the property for education purposes, shall be ancillary only and limited to the education of the resident children at the premises.

Reason: To ensure the satisfactory implementation of the proposal and to ensure that the scale of the development is suitable for the site, having regard to traffic and trip generation along a single width private access, in accordance with Policies SP5 and IC1 of Burnley's Local Plan (July 2018).

5. The property shall not be first occupied as a childrens' home until maintenance works to the private access road between Granville Street and Bend Hill Farm have been carried out in accordance with the 'Access track maintenance plan', received on 26 February 2020. The measures contained within the Access track maintenance plan shall thereafter be adhered to and implemented in perpetuity.

Reason: To ensure basic maintenance is carried out to a private road in order to ensure its effective use for access purposes, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

6. The refuse and recycling facilities indicated on the approved plans shall be screened by a timber surround and available for use prior to the approved use being first commenced. The approved refuse and recycling facilities shall thereafter be retained at all times.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

7. No additional external lighting shall be installed on the property or site unless details of the lighting including its location, type and illuminance levels, have been first submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent excessive external lighting in the open countryside, to protect the rural character of the area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

Janet Filbin
10th March 2020