

Application Recommended for Approve with Conditions

COU/2021/0041

Briercliffe Ward

Town and Country Planning Act 1990

Change of use from dwelling (Class C3) to children's care home for up to four young people (Class C2)

60 Church Street Briercliffe Lancashire BB10 2HU

Applicant: Residential Child Care Community (North West) Ltd

The application is being considered at this Committee following neighbour objections being received.

Background:

The proposal is for a change of use from a Class C3 dwelling to a home for up to for young people aged between 7 and 18 within Class C2 `residential institutions`, at a large detached house at the corner of Church Street and Granville Street and bordering Hallam Street to the rear. The site is within the Harle Syke Conservation Area. Trees on the site are protected by a Tree Preservation Order.



A total of four staff would be employed at the premises and occasional professional visitors. The accommodation is mainly on two floors, with a further two bedrooms in the roofspace and would be used to provide four bedrooms for children, one staff bedroom and a first floor staff office/watching watch room. No external alterations are proposed to the dwelling or its grounds which includes a large driveway and parking area. The existing attached garage would be sub-divided to retain storage space for bicycles and to provide a staff office. The protected trees on the site would not be affected.

Relevant Policies:

Burnley's Local Plan (July 2018)

SP1 – Achieving sustainable development

SP5 – Development quality and sustainability

HE2 – Designated heritage assets

NE5 – Environmental protection
IC1 – Sustainable travel
IC3 – Car parking standards

National Planning Policy Framework

Site History:

APP/2006/0201 – Proposed erection of fence on top of existing perimeter wall (overall height of wall and fence 2m). Approved April 2006.

Consultation Responses:

LCC Highways

No objections.

Environmental Health

No objection. Recommend consideration of internal wall noise attenuation between rooms, but only as an informative.

Briercliffe Parish Council

Raise concerns as follows:-

- Increase in traffic in an already heavily congested area and impact on Church Street in particular
- There are already two social care residences in Briercliffe and a further one soon to be developed in the local area
- The suitability of the area, with regard to the existing youth and anti-social behaviour in the area.

Publicity

Objections have been received from four properties in the neighbouring area which are summarised below:-

- Unsuitable within this residential area
- Additional traffic due to care workers, tutors, social workers, shift workers etc
- Insufficient on-site parking and street is parked up on both sides
- Would increase problems in Briercliffe with youths and anti-social behaviour.

Planning and Environmental Considerations:

Principle of proposal

The proposed site is within Briercliffe village which is an accessible location for amenities. The property is currently a family home with six bedrooms and is of sufficient size for use as a children`s home for four young people without the need for any extension or significant changes. The proposed use is closely similar to a Class C3 dwelling use and it is case law that has made a distinction between the uses, based on the definition of a household. In North Devon District Council v The First Secretary of State (2004) it was determined that children alone generally cannot form a `household` and that if their carers do not live permanently at the property, the use would fall within Class C2 of the Use Classes Order. This is the case here where carers will operate shifts to provide 24 hour care and support to children (between 7 and 18 years old). The property would however be used in a similar way as a large family home, in which case, the proposed site and location would, in principle, be suitable for a proposed children`s home for four young people. Notably, the property would also be capable of reverting to a Class C3 use in the future if required.

Impact on residential amenities

Policy SP5 requires development to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users. The property would function similar to a large dwelling which provides ample accommodation for four children with gardens for sitting and playing outside. It is not expected that the background noise levels would differ to that of a conventional large family home in respect of the amount of comings and goings or levels of activity, in which case the amenities of neighbouring properties would not be adversely affected by the proposal. The Environmental Health Officer has advised that noise insulation between bedrooms within the property may be helpful but only recommends this as an Informative and not as a condition.

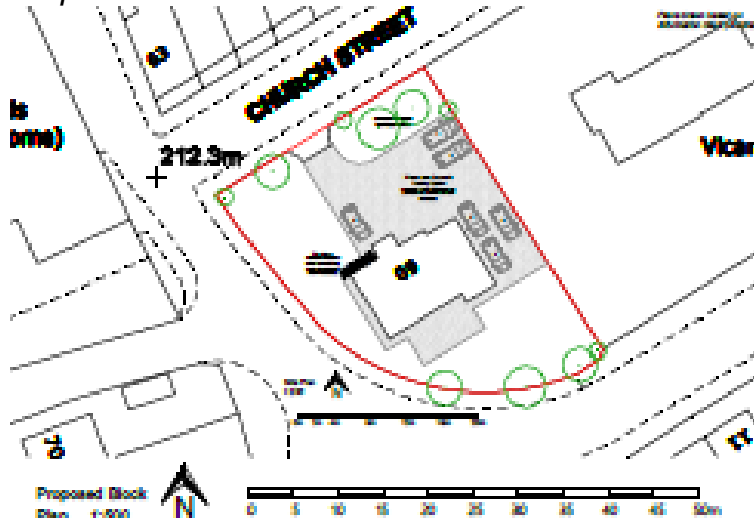
Objections to the proposed use have referred to concern that it may lead to anti-social behaviour which is already a concern in Briercliffe. The young people who would occupy the premises are likely to have vulnerable backgrounds but would be supported in as close to a family home environment as possible which means going to school, being supported with homework and every day life. There is no reason why this should lead to anti-social behaviour or that the new occupants could not integrate into the existing community.

The impact of the proposal on residential amenities is therefore acceptable and the proposal complies with Policy SP5.

Impact on car parking

Policy IC3 requires development to provide adequate parking as appropriate to their nature and scale.

Proposed Site Plan



The existing driveway and areas of hardstanding provide for a considerable number of spaces; the proposed site plan shows how a minimum of six spaces can be accommodated on the existing site without the need for any enlargement to the driveway. This level of car parking would be in excess of the day to day parking needs that would be generated. The young residents (up to 18 years old) are not expected to have a vehicle and whilst four staff would be employed they would not all be present at the same time. This would provide ample space for occasional visitors without the need for on-street parking. Adequate cycle storage would be provided for

occupants in part of the existing garage. LCC Highways has no objection to the proposal.

As such, the site provides adequate on-site parking provision, it complies with Policy IC3 and would not significantly affect parking in the local area.

Other issues

The site is within the Harle Syke Conservation Area and as such, there is a policy requirement under Policy HE2 and requirement under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Given that the proposal would not lead to any external changes to the property or its grounds and would retain a residential use of the property, it would not alter the special character of the Conservation Area or affect its significance.

Conclusion

The proposed use as a home for up to four young people (7-18 years old) would display similar characteristics to that of a large Class C3 dwelling. The application property and its location within a residential area and village community would be suitable and complies with plan policies. The objections to the proposal have been considered but there are no material reasons to outweigh this finding.

Recommendation: Approve with conditions

Conditions

1. The development must be begun within three years of the date of this decision.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following 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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the approved use shall operate for up to four young people up to and including 18 years of age only and not for any other use falling within Class C2.

Reason: To ensure the satisfactory implementation of the proposal and in order that any changes within the same use class can be reviewed in terms of the need for car parking and potential impacts on neighbouring properties, in accordance with Policies IC3 and SP5 of Burnley's Local Plan (July 2018).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting this Order with or without modification), no

development shall take place which would otherwise be permitted under Part 3 of Schedule 2 without planning permission first being obtained.

Reason: To ensure the satisfactory implementation of the proposal and in order that any changes can be reviewed in terms of the need for car parking and potential impacts on neighbouring properties, in accordance with Policies IC3 and SP5 of Burnley`s Local Plan (July 2018).

Janet Filbin
20th April 2021