

**Application Recommended for Approve with  
Conditions**

**FUL/2020/0540**

Bank Hall Ward

Town and Country Planning Act 1990

Change of use from residential care home (Class C2) to 50 no. self-contained studio apartments with supporting living facilities (sui generis) and external alterations  
Lower Ridge (Former Care Home for Elderly) Belvedere Road Burnley BB10 4BQ

Applicant: Mr Majid Hussain

Deferred Application

This application was first brought before the Development Control Committee on the 25<sup>th</sup> March 2021 due to objections having been received. The Committee resolved to Defer the application in order to obtain further information from the applicant on the running of the proposed development. The Committee expressed concerns over the concentration of the proposed use, its potential impact on elderly neighbours, the staffing of the premises, how occupants would be sourced or selected and whether it could become a House in Multiple Occupation (HMO). There has been a delay in obtaining information from the applicant due to illness. The information provided by the applicant is summarised below:-

- The applicant has 25 years` experience as a support worker and as a service manager in similar schemes. He has developed close connections with other agencies and has a strong ambition and motivation to succeed with this housing project.
- The applicant`s vision is to work with individuals who are not reliant on drugs or alcohol and to help to develop their skills, manage a long-term tenancy and be productive members of society. To achieve this, they would offer:
  - Support – covering a range of issues such as motivation, self-care, managing money, developing healthy hobbies and interests;
  - Accommodation – single bed studio apartments;
  - Education/Training – offering quiet rooms/libraries, meeting rooms to meet other agencies and providing in-house training in tailor-made kitchens.
- The applicant`s company is Adelphi Housing (formerly MH Associates) which is a local business with a view to helping local people.
- They will run and manage Lower Ridge efficiently and have a multi-agency approach to the support structure. They will liaise with the Council`s housing team and local agencies to set up a referral system which would be followed up by a further assessment and face to face interview to determine eligibility and suitability for the project. They would have a “local connections to Burnley” as a pre-requisite to accommodation.
- The accommodation would be for individuals aged 18 or over but expect the younger age group of 18-21 to be a smaller group of people than those older than this. From their own research, they have found that the 30+ age group are more likely to be in need of this type of accommodation.
- There would be 10 Full-Time staff and 5 Part-Time staff at the premises. This would include managers, support workers, day and night supervisors, cleaners.
- The staffing structure would be more than adequate to manage the residents. There would be a rigorous support structure in place but there would be differing levels of support needs with not all residents requiring intensive support levels.

- In building design, the applicant states that they have used small clusters of accommodation, divided into 12 separate accommodation areas, with a small number of apartments in each cluster. Each corridor or cluster would have its own key to access the apartments. This would ensure that residents remain in their own accommodation areas and have privacy. Access to the building would be via an intercom system, managed by supervisors.
- There would be a zero-tolerance approach to any anti-social behaviour.
- Their aim would be to work closely with the local community in Burnley and to welcoming any feedback or concerns.
- The applicant states that they are passionate about their scheme, that they have invested a lot of time and energy into this project and wish to renovate the building to its former glory as soon as possible.

The applicant in providing the foregoing information has attempted to deal with the concerns that were expressed at the relevant meeting. The details that have been received relate to how the premises would be run by the applicant and are not generally matters that are capable of being controlled by planning conditions. For instance, staffing levels are a matter for the operator and do not fall within the scope for considering a planning application. In addition, a planning permission relates to the use of the land and is not confined to the applicant.

The applicant has, however, explained how the clustering of apartments would manage the premises in smaller units and there is no reason to believe that the premises would not be operated in a sound and efficient manner that respects neighbours and the local area. A condition (no. 3) has been recommended to restrict the occupation of the studio apartments to individuals in need of accommodation with assisted living and to prevent their use as self-contained flats (Class C3) or as a HMO without a new planning permission. The reasons for this restriction relates to the availability of car parking within the present scheme. The previous Officer Report is re-produced below and the recommendation unchanged. Whilst however the previous report referred to the benefits of the development to `vulnerable young people` this has been changed to `vulnerable adults` to acknowledge the point that the applicant has made above about the ages of likely occupiers of the development.

### **Background:**

The proposal is to adapt a former care home for the elderly (Class C2) to form 50no. studio apartments with supported living facilities to cater for vulnerable individuals. The property is currently vacant and was previously occupied as a care home for the elderly with 35 bedrooms.

Front on Belvedere Road

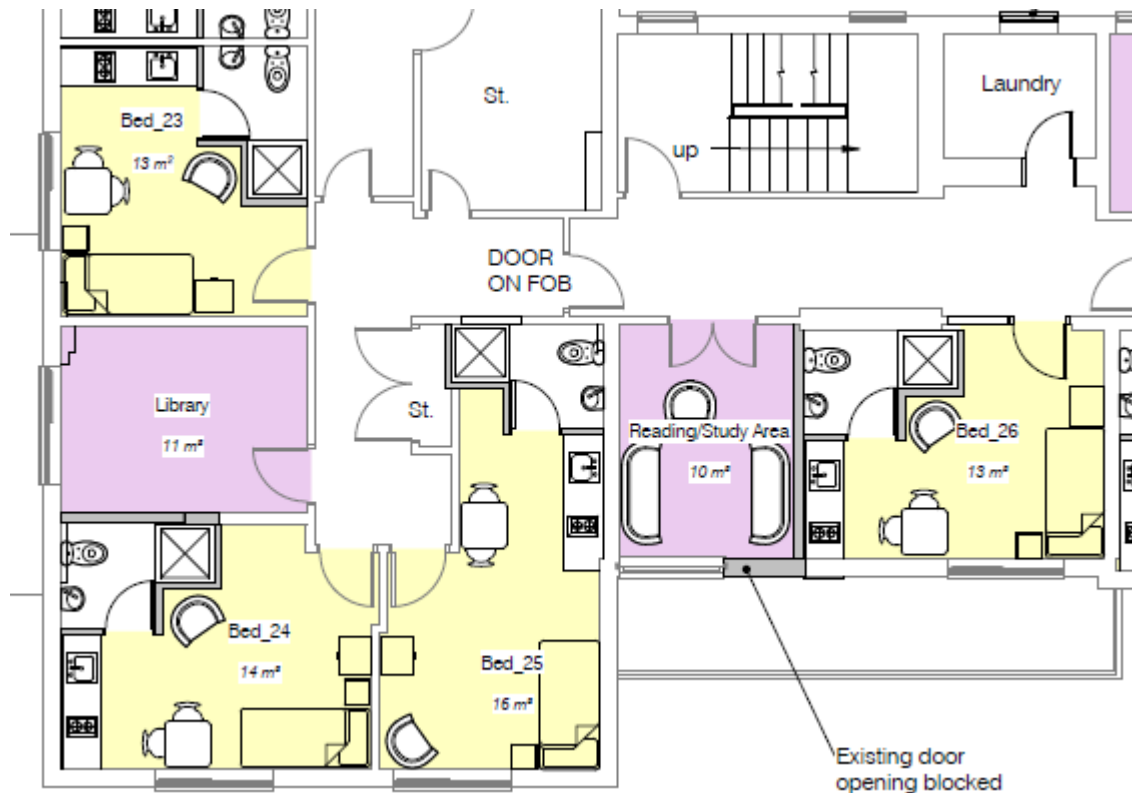


View from rear of premises onto Lower Ridge Close



The proposal involves the re-use of the existing building with mainly internal changes to form 18 bedrooms, a Group Training/Breakout room, Meeting room, Training Kitchen, Laundry room, three Offices and Security office on the ground floor and 16 bedrooms, Meeting room, Laundry room, Reading/Study area and Library on both the first and second floors. All 50 apartments would be single occupancy (varying between 13sqm and 20sqm) and would contain a combined living and sleeping area, small kitchen and bathroom.

Extract from part of the Proposed First Floor Plan (to show typical apartment layout)



Limited external alterations are proposed, mainly consisting of bricking up various window openings, including eight large windows on the south elevation. Four new

modestly sized windows are proposed to the rear within the recessed area facing an enclosed courtyard.

The existing car park would be retained which provides 14 car parking spaces. An existing garage to the rear would be retained and used to provide 14no. secure cycle storage spaces. A timber bin store would be provided on the north side of the building close to the driveway.

The existing areas of grass to the rear of the premises would be retained and a courtyard garden formed within the recesses of the building at the rear which would be enclosed on its east side by an acoustic fence. Existing trees on the site would be retained.

### Proposed Site Layout



The proposed accommodation is aimed at young people over the age of 18, offering accommodation, support and education/training to assist in living independently in the future. The average term of stay would be 12 months and a maximum term of two years.

The Design and Access Statement submitted with the application states that there would be a total of 10 full time staff and 5 part time staff. This would include housing management and support workers, security staff, cleaners and ground maintenance.

### **Relevant Policies:**

#### Burnley's Local Plan (July 2018)

SP1 – Achieving sustainable development

SP5 – Development quality and sustainability

NE5 – Environmental protection

IC1 – Sustainable travel  
IC3 – Car parking standards

### **Site History:**

FUL/2020/0245 - Change of use from Class C2 residential care home to apartments in supported accommodation hostel/HMO (sui generis). Application withdrawn November 2020.

### **Consultation Responses:**

#### LCC Highways

We would not wish to raise any objection to the principle of the application. There is a significant care element attached to the functioning of the development. As such, it is to be expected that the persons under this care are not be expected to be able to support the ownership of a motor vehicle. In light of this it is acceptable that the parking requirement of the development is limited to that which would be expected for the level of care. However should the nature of the development alter in any way where it ceases to provide any form of social care or support, then the full support of the application could not be relied upon. In order to fully support the application we would look for a condition requiring the care element of the application to be maintained for the perpetuity of the development. Should the care element of the application be removed then it cannot be expected that we would support the development. A condition is also recommended to require a Construction Management Plan (CMP).

#### United Utilities

No objections raised.

#### Environmental Health

Recommend a condition be imposed to require a noise assessment to be carried out to take account of noise from surrounding road networks and any other noise sources that are likely to affect the site.

#### Publicity

Letters of objection have been received from 22 residents of Lower Ridge Close. A summary of their objections is provided below:-

- Lower Ridge Close is sheltered accommodation with elderly residents and has an intimate relationship with the former Care Home and was originally built to share services with it.
- Not convinced that the management measures would be either secured as part of the planning permission or adhered to in order to ensure its use would be in keeping with the surrounding area.
- The submitted planning documents provide no evidence of the track record of the applicant in the delivery of such schemes.
- There would be an intensification of use of the site, with generally younger occupants, more irregular hours and significantly more frequent comings and goings, leading to noise and disturbance.
- Lack of car parking on the site. This could cause overflow parking on the unregulated spaces on Lower Ridge Close and use of narrow alleyways which residents would be fearful of, particularly at night.
- The current unsightly appearance of the property and its disrepair do not justify the proposals.

## **Planning and Environmental Considerations:**

### Principle of Proposal

The application premises are a residential use within the borough Development Boundary; currently within Class C2 (residential institutions) and sit within a primarily residential area but also close to the Burnley Fire Station, and partly surrounded to the rear by the sports grounds and facilities of local schools. The use of the premises for a residential use that is for assisted living for vulnerable young people which is a sui generis use would still be a residential use of the premises and as such, there is no objection in principle to the proposal. The main issues relate to the suitability of the premises in respect of any impact on other surrounding residential uses and car parking. The benefits of the proposed scheme should also be considered against any identified impacts. Given that there would be few external alterations to the premises, the visual impact of the proposals would not be significant.

### Impact on residential amenities

Policy SP5 requires new development to ensure that there is no adverse impact on the amenity of neighbouring occupants or land users as well as ensuring acceptable conditions for new occupants.

The application has received a considerable level of objection from adjacent occupiers. The sheltered housing at Lower Ridge Close sits close to the application building on its south side, from where there is an open outlook towards the building and its grounds.

No new windows would be formed that would directly overlook the neighbouring occupiers and some large windows on the south elevation would be bricked up. There would therefore be no discernible increase in overlooking between properties. The larger grassed areas would be retained in situ but an enclosed courtyard for sitting out would be formed to rear within the current recess of the building and this would be enclosed by an acoustic fence which would also reduce any potential outside noise.

The neighbour objections refer to an intensification of use and potential increase in noise and disturbance. Given that this is a large building with substantial grounds, the proposed floor plans would indicate that it is capable of accommodating up to 50no. studio apartments with adequate space for shared facilities such as meeting rooms, reading rooms, and a training kitchen and break-out space. This may represent an increase in the number of occupants from the former care home with 35no. bedrooms. However, the former occupancy level of the care home does not represent a ceiling of what would be acceptable at these premises. In order to ensure a viable scheme, it is expected that an owner of the building would need to use it efficiently. Whilst an increase in the number of occupants may lead to a proportionate increase in comings and goings and activity levels, it would not significantly increase levels of noise and disturbance to neighbours. Each are residential uses, with the main entrance to the application premises being from the front of the premises on Belvedere Road with a further access close to the car park which is away from the sheltered housing at Lower Ridge Close.

The Council's Consultant Environmental Health Officer recommends a condition be imposed to require the applicant to carry out a Noise Assessment to ensure that any mitigation measures are put in place to reduce exposure of future occupants to noise from traffic and surroundings.

Subject to the recommended condition, the proposal would have an acceptable impact on the residential amenities of both neighbouring occupants and future occupants of the proposal.

### Car Parking

Policy IC1 seeks to promote sustainable travel and safe pedestrian, cycle and vehicular access, including adequate visibility splays. Policy IC3 requires adequate parking in line with Appendix 9 .

The site is within the urban area, reasonably close to facilities and amenities and public transport and would represent a sustainable location for catering for young people in need of accommodation and support. There are no specific car parking standards for this use. The proposal would retain the existing car park of 14 spaces and provide for cycle storage. Whilst this would be insufficient for a House in Multiple Occupation Use (HMO), LCC Highways accept that the occupiers of this development which is to cater for young people in need of support, are unlikely to be independent and have their own motor vehicle. Parking spaces are more likely therefore to be needed by staff and visitors. On this basis, the existing level of car parking provision would be sufficient for this proposal. A condition is however recommended to ensure that planning permission would be required for a Class C3 dwelling or HMO use in order that the need for car parking provision can be reevaluated.

### Conclusion

The proposal would have significant benefits by providing bespoke accommodation tailored to vulnerable adults. The large premises and grounds are suitable for its purpose and would not significantly impact on surrounding residential amenities. The proposal complies with the development plan and there are no material reasons which would 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. The premises shall be occupied by up to a maximum of 50 no. studio apartments for individuals in need of accommodation with assisted living (sui generis use) in accordance with the approved plans and the Design and Access Statement submitted with this application. No part of the approved development shall be occupied as a dwelling under Class C3 of the Town and

Country Planning (Use Classes) Order 1987 or as a House in Multiple Occupation (sui generis) without planning permission first being obtained.

Reason: The proposal has been assessed on the basis of the proposed use for assisted living accommodation and not for Class C3 purposes which would require a greater level of car parking provision and consideration of other plan policies, in accordance with Policies HS4 and IC3 of Burnley`s Local Plan (July 2018).

4. Prior to the commencement of any building operations , a Noise Assessment shall be submitted to and approved in writing by the Local Planning Authority to assess the impact of environmental noise, including traffic noise, on the future occupiers of the development. Any recommendations in the approved Noise Assessment to mitigate against noise shall thereafter be carried out and completed prior to any part of the premises being first occupied.

Reason: To ensure that any potential noise impact on occupiers of the development is suitably mitigated to ensure a satisfactory level of amenity for occupiers, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

5. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved Plan / Statement shall provide for the following:
  - 24 Hour emergency contact number;
  - Details of the parking of vehicles of site operatives and visitors;
  - Details of loading and unloading of plant and materials;
  - Arrangements for turning of vehicles within the site;
  - Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
  - Measures to protect vulnerable road users (pedestrians and cyclists);
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Wheel washing facilities;
  - Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
  - Measures to control the emission of dust and dirt during construction;
  - Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - Construction vehicle routing;
  - Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period until the completion of the development.



Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases, in accordance with Policy IC1 of Burnley`s Local Plan (July 2018).

6. Prior to any occupation of the approved scheme, the car parking spaces and secure cycle parking provision, as indicated on the approved plans, shall be provided and available for use for the purposes of occupiers of the development, staff and visitors. The car parking provision and secure cycle storage shall thereafter be retained for these purposes at all times.

Reason: To ensure adequate parking provision to cater for the needs of the development and to ensure provision for cycle storage to encourage the use of cycling as a sustainable mode of transport, in accordance with Policy IC3 of Burnley`s Local Plan (July 2018).

7. Matching brickwork must be used to make good former window/door openings at the premises.

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

8. Prior to the premises being first occupied the landscaped courtyard garden and acoustic fence shall be constructed, completed and available for use.

Reason: To ensure adequate outdoor sitting areas for occupants of the building and to ensure adequate protection from potential noise to surrounding neighbouring properties, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

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Report updated 2/8/21