

**Application Recommended for Approve with
Conditions
Briercliffe**

FUL/2022/0146

Town and Country Planning Act 1990

Change of use from C3 Dwellinghouse to C2 small children's residential care home

Arncliffe Cottage Halifax Road Briercliffe Lancashire

Background

The application site is a 6 bedroom detached property located off Halifax Road, Burnley. The site is located outside the settlement boundary in an area of open countryside, although is within close proximity to the main settlement boundary to the west and the separate settlement boundary of Lane Bottom to the east.

The property is in a rural location with the surrounding uses being predominantly residential. The property sits on an elevated position, cut into the hill side which has a clear fall in levels west - east. The principal elevation is from the main access lane (photo 1) with the property having 2 floors descending the slope (see photo 2) leading to the parking area. There is a small, grassed area to the east (rear) of the property which is at a higher level to the properties along Halifax Road. The amenity space is modest in size compared to the size of property.

To the east is a collection of cottages along Halifax Road, with No. 20 being the closest property, sharing a common boundary with the site and also parking area. The gable elevation of No. 20 sits approximately 20m from the rear of the site and whilst there is an established hedgerow and some mature trees along the boundary, given the site differences there is opportunity if standing on the raised patio area, of views into the rear gardens (see photo 5).

To the west of the site continuing along the access track, lies Hill End Farm (locally listed) and 1 and 2 Hill End House (both grade II statutory listed). The distance between the properties is approximately 19m with Hill End Farm located 42m along the access lane.



Photo 1:



Photo 2: showing the site levels



Photo 3: access lane and shared drive to the property



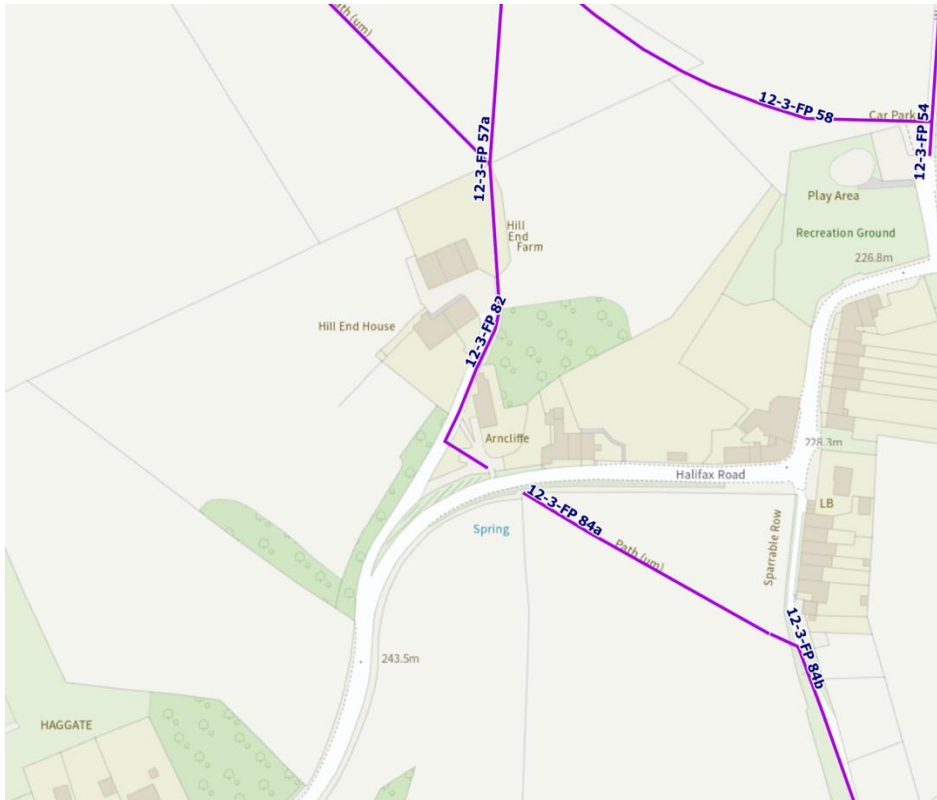
Photo 4: parking area



Photo 5: small area of soft landscaping

Public Right Of way

Public Right of Way No. 82 comes off Halifax Road, taking a steep route via steps and across the parking area of the application site. The application form states that there will be no diversions or extinguishments of the PROW, however it must be noted that the PROW does pass through the red edge of the application site.



Extract plan: www.mario.lancashire.gov.uk showing public right of way NO. 82 through the site

Proposal

The application seeks consent for the change of use of the dwelling (C3) to a C2 (Residential Institution) use for the provision of residential accommodation and care for up to 4 children between the ages of 8-17. The applicant (Positive Pathway Solutions Ltd) has provided the following additional information about how the C2 use would operate on a daily basis:

Maximum amount of 4 children staying at any one time, although the agent has confirmed that within the first 2 years there will be a maximum of 3 children.

Staffing: 7 in total employed by the home over a rota system. 2 full time members during the day and 1 overnight member of staff.

The children will attend school during the day and will be visited by social workers and family and friends.

There are no physical alterations to the existing building.

Site history

None relevant

Relevant policies

Burnley's Local Plan (July 2018)
SP4 – Development strategy
SP5 – Development quality and sustainability

NE5 – Environmental protection
IC3 – Car parking standards

The National Planning Policy Framework 2021

Consultation Responses

Highways – no objection in principle. Additional layout plan submitted to show swept path analysis.

Ward Councillors – 1 comment

Already similar facilities in the area, further facilities should be spread across the borough
Internally the building (erected in 1777) would need a lot of alteration to be safe for children to use

Significant local listed building which should be preserved

The access to this property is via a private road owned by a local farmer who gives residents right of access and a duty to maintain

No pavements on sections of Halifax Rd

Blind bend from the access onto Halifax Rd

Likelihood of larger vehicles accessing the site which is not appropriate and there is no turning area

No safe open space associated with the property

PROW through the site issues of privacy for the residents

Publicity

Letters of objection 15 letters in total summarised as follows:

Poor access on narrow lane which is privately owned and maintained by the residents.

Concerns that additional traffic will weaken the condition of the road

The access lane is used by a working Farm which frequently use the lane with heavy farm vehicles

No turning area for deliveries if they go all the way along the lane and don't use the tightly enclosed designated parking area

No pavements along sections of Halifax Road

Sightlines are poor coming out of the access onto Halifax. An increase in traffic movement would add to an already difficult to access point

Issues with refuse and recycling for the site, larger bins will be required which will be difficult to achieve

What are the staff patterns at the site, it states 7. How many visitors will be expected, specialist staff, doctor visits?

Quite rural area and there will be impact on the residential amenity by way of noise, loss of privacy, general comings, and goings

No external space at the property and no privacy for the children who would use the garden area

Genuine need for the proposed use, the property is currently listed on Air b + b

PROW through the site which could lead to issues of over looking and has been over looked in the application validation

Arncliffe is sited on a steep slope, the only outdoor space is an outdoor terrace which is at a much lower level than main entrance, it is not considered that this is safe space for children to play

Already 3 children's homes within the Briercliffe area, is this rural location the best place for young, vulnerable children? It is not a suitable building/environment for the use of a care home for vulnerable young children. Impact on the heritage assets of 1 and 2 Hill End house which are adjacent to the application site

Concerns over the safety of local residents from unknown people visiting the site

Impact on locally listed non designated heritage asset

Principle of proposal

The site is an existing dwelling located outside the development boundary of Burnley in which policy SP4 applies. The National Planning Policy Framework (NPPF) states that plans and decisions should apply a presumption in favour of sustainable development. The change of use of the property would be acceptable in principle, providing the proposal meets all relevant local and national planning policies.

The main issues in the consideration of this application are:

Impact on residential amenity

Amongst other things, 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.

No.20 Halifax Road is the closest property to the site, sharing access to the main parking area. Arncliffe sits at a higher level to No. 20 Halifax Road the attached cottages and views can be taken across into the rear garden areas (refer to photo 5). There are some trees (during the summer months) which offer some buffer between the site and properties along Halifax Road. It is considered that the distance between the properties is sufficient to avoid any direct over looking. The garden area is not proposing to change and therefore the use of the space for a family of 6 is no different to the proposed use.

In terms of the level of activity at the site, there will be no more than a maximum of 4 children occupying the site with no more than 3 staff at any one time. Whilst this may seem to be an intensification of the site, it is considered that there is little difference between the proposed and the general activity of a family living in a 6 bedroom home, and it is considered that the development will be in accordance with policy SP5 of Burnley's Local Plan. It is considered necessary and appropriate to condition the number of children to be cared for at the site to be no more than 4.

The additional information the agent has supplied in terms of the day-day operation of the site would suggest that the children will be out at school during the day which is not dissimilar to that of a normal family home. It is anticipated that there will be visits from professionals and visitors, but this would be no different from visitors who would visit a family home.

It is accepted that parking at the site is constrained, but LCC highways have been consulted and do not have any objection to the application and consider there will be an adequate provision of parking to serve the development.

Impact on character of the area including local listing

The character of the area is rural in nature with surrounding open countryside and clusters of residential properties.

The application site is a large 6-bedroom property which could have a large family with all its associated day to day activities. As there are no physical alterations to the exterior of the building there will be no physical impact on the traditional character of the building.

In terms of the use, the changeover in shift patterns and the dropping off and picking up of children from school will create additional activity, but it is not considered that this will be any greater than that experienced by a large family dwelling.

An appeal against the refusal of planning permission for a similar development in the borough was recently allowed (ref: APP/Z2315/W/21/3288141) this was for 4 adult residents at a typical suburban detached property. The Inspector concluded that; *'in terms of the day to day operational activities, staff change over would unlikely detract from the local character with the modest scale of the proposal'*. The Inspector concluded that the use of the dwelling as a C2 would not have an *'unacceptable effect in the living conditions of occupiers of nearest properties by way of noise and disturbance.'*

Whilst each application is taken on its merits, there are some comparisons which can be drawn between the appeal and this current application. The proposed change of use at Arncliffe is a larger property which does not require further extensions and there are greater separations with the nearest properties. It is considered that the application meets policy SP5 of the adopted Local Plan.

Local listed – non designated heritage asset

As there are no physical alterations to the property there will be no impact on the character and appearance of the locally listed building. In accordance with para 203 of the NPPF:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

The (proposals) will not alter the external appearance of the building and therefore will not have a detrimental impact upon the non-designated heritage asset.

Access and parking

The site is not considered to be located within an isolated location, however the access and pedestrian connectivity to the site from Halifax is difficult. The main access track (A privately owned lane) which leads up to the property is shared with other properties; including Hill End Farm and Hill End House 1 and 2. There is no space to turn around and the lane is narrow which then leads down to the parking area of the application site.

There are 6 parking spaces available on site and access to the parking area is also shared with No. 20 Halifax Road which has 2 parking spaces.

After visiting the site, additional swept path analysis plans were requested to clarify if the parking area could be safely used if the shared neighbouring parking was also in use. The

additional plans were assessed by LCC highways who do not have any concerns about access or parking.

It is considered that the development complies with policy IC3 of Burnley's Local Plan.

Other issues

Whilst all issues raised are noted within the determination of a planning application, there can only be weight attached to those 'material considerations' that relate to land use planning. Issues on the types of people to be cared for and any perceived behavioural matters are not recognised as material considerations. If issues such as this were to arise, they would be addressed through other powers.

Conclusions

The site is a large family dwelling and it is not considered that the proposed use caring for up to 4 children will be any different from that of a large family dwelling. There are no physical alterations to the building and it is not considered there will be impact on the locally listed building and the setting of the nearby listed properties.

It is considered that the proposed change of use from C3 to C2 with the care of up to 4 children would not have a detrimental impact on the character and amenity of the surrounding area and the application is recommended for approval with the following conditions:

Having had regard to the relevant development plan policies and material planning considerations the proposal is considered to be acceptable and it is recommended accordingly.

Recommendation:

Approve with conditions.

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to 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 permitted shall be constructed in complete accordance with the specifications in the application and approved plans; SLP – 001 Rev B, EX-001 Rev A, PR-001, PR-002 Rev A unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

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 children 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. The development hereby permitted shall not be occupied until an electric vehicle charging point has been installed to serve the development and shall thereafter be maintained

Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.