

Application Recommended for Approval with Conditions

FUL/2022/0332

Rosehill with Burnley Wood

Town and Country Planning Act 1990
Change of Use from C3 Dwelling to C2 Children's Care Home
113 Woodgrove Road, Burnley, Lancashire BB11 3EJ

Background

No. 113 Woodgrove Road is a 5 bedroom end terrace house of traditional stone construction, with an enclosed rear yard, in an established residential area. Directly opposite St. Stephen's Primary School. Within the Burnley Wood Conservation Area. Within the Development Boundary as defined in the Adopted Local Plan.

Proposal

To change the use of the property from a 5 bedroom dwelling (C3) to a children's care home (C2) containing four bedrooms for children plus two bedrooms for staff. Implementation of the proposal would require small elements of internal partitioning, to create the additional bedroom. The proposal also includes use of some of the rear yard area for off-street parking for two vehicles, and bin storage.

A Management and Supporting Statement accompanies the planning application. This document identifies the proposed operator as 'Residential Child Care Community (North West) Ltd (hereafter referred to as RCCC). The Document describes the facility as a proposed 'therapeutic residential children's care home', and the age of residents as between seven and eighteen. The Document states that at least two adult carers will be present at any one time, with potential when operating at capacity for four adult carers during the day plus two at night. Each child would be supervised by at least one member of staff whilst outside the building as well as within.

Visuals

Front Elevation



Side/Rear Elevation



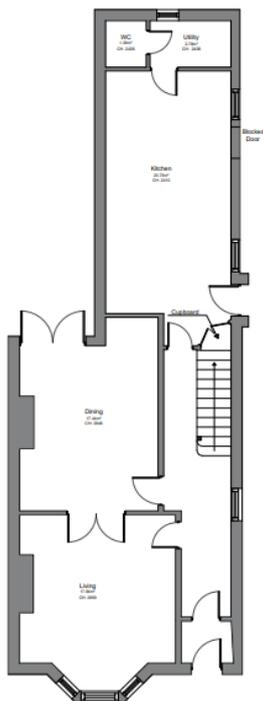
Yard Boundary Fence



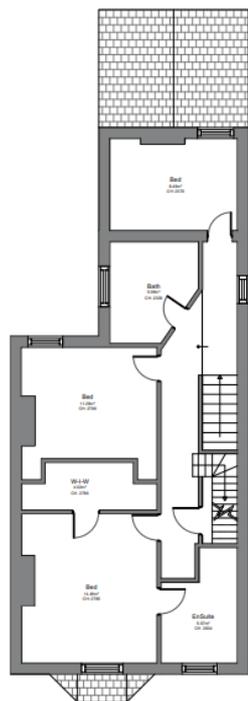
Location Plan



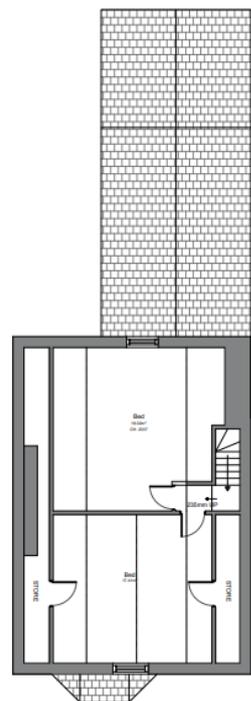
Existing Floorplans



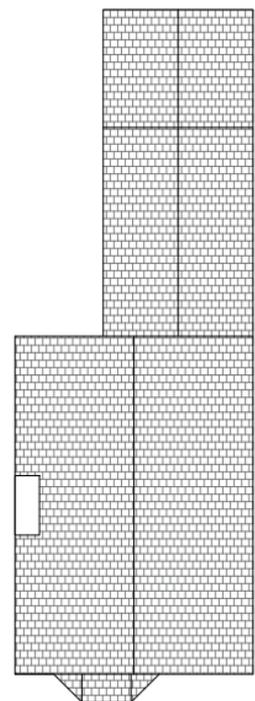
Existing Ground Floor
1:100 @ A3



Existing First Floor

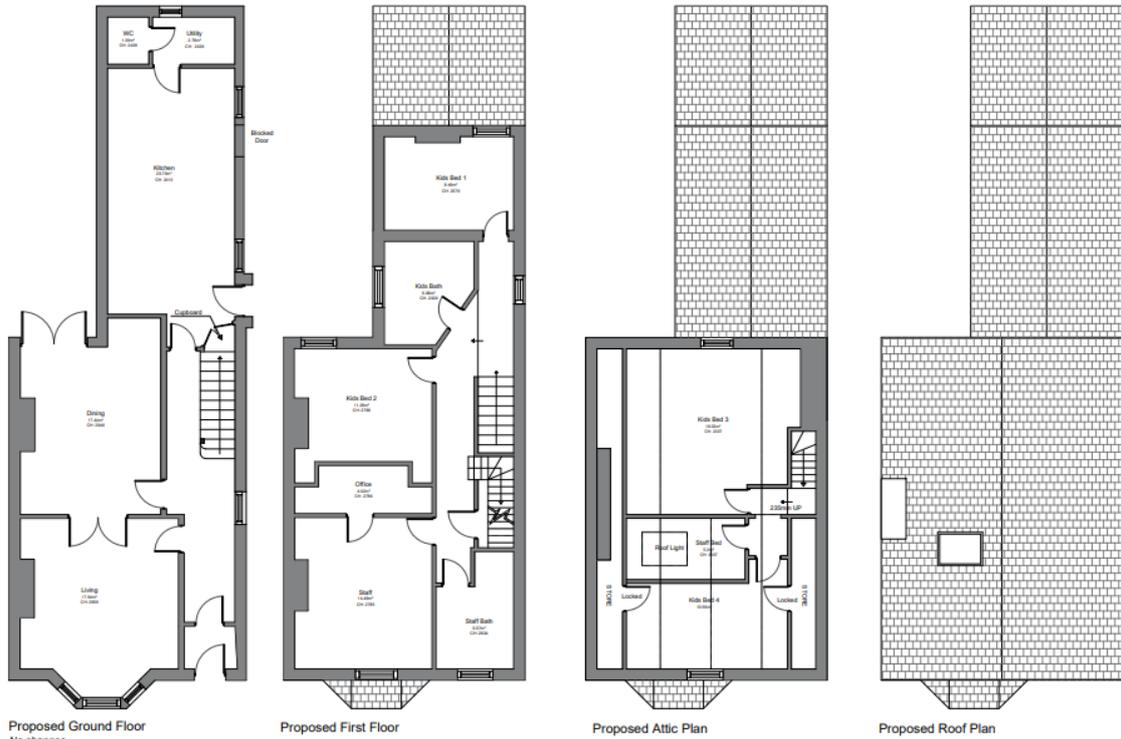


Existing Attic Plan

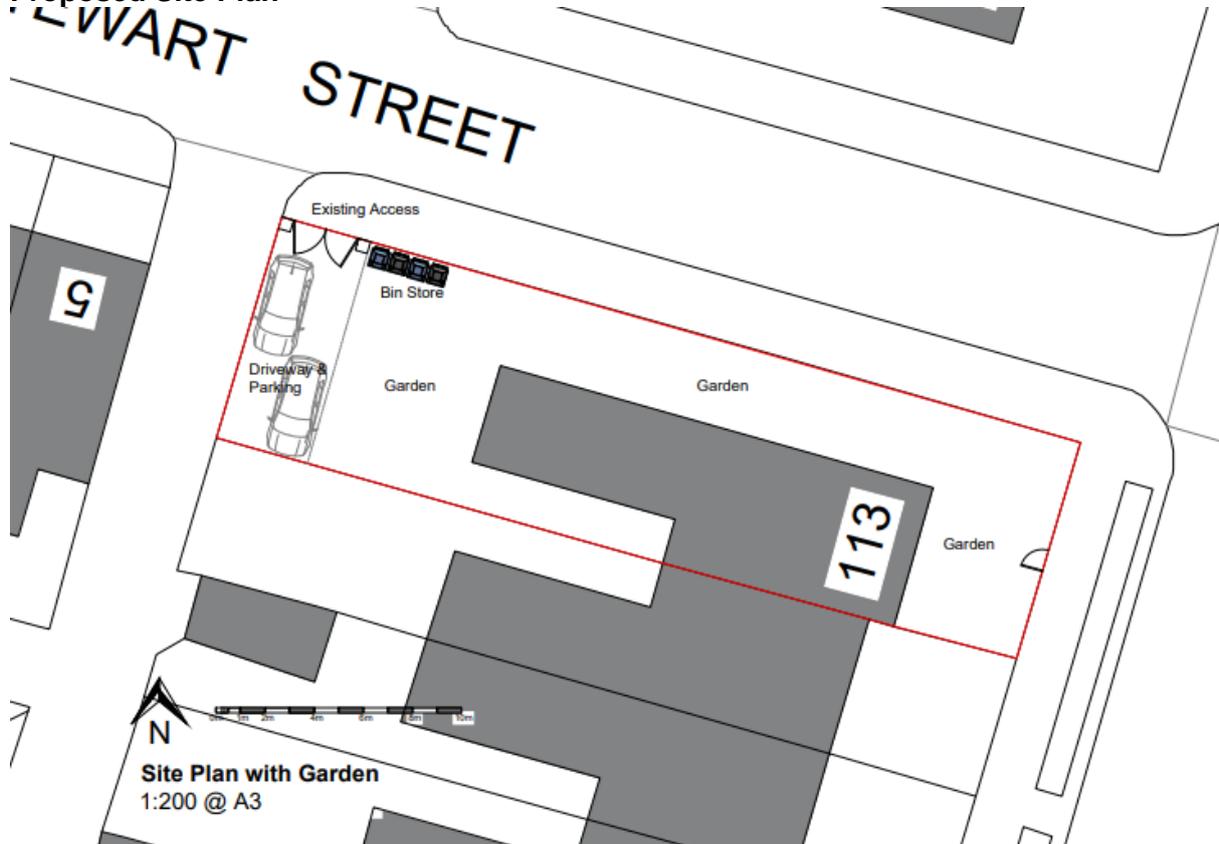


Existing Roof Plan

Proposed Floorplans



Proposed Site Plan



Site history

None relevant

Relevant Policies

Burnley Local Plan (July 2018)

SP1 – Achieving Sustainable Development

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HE2 – Designated Heritage Assets

IC3 – Parking

The National Planning Policy Framework 2022

Consultation Responses

Conservation – no objection. The proposal would preserve the character and appearance of the Conservation Area, thereby satisfying Local Plan Policy HE2, the NPPF and the duty assigned by the LBCA Act.

Fire Prevention Officer – application noted. Responsibility of applicant under Building Regulations Approved Document B identified in respect of access for emergency vehicles and firefighting water supply.

Highways – no objections to the proposed development and it is the opinion of the Consultee that the proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. A drop crossing will be necessary for vehicular access to the yard, so if approved an informative to this effect should be included on the Decision Notice.

Publicity

32 objectors to date (03.08.2022), summarised points being:

Exacerbation of existing on-street parking issues, particularly in view of the location opposite a school and existing parking restrictions on Woodgrove Road.

Insufficient off-street parking proposed for scale of the use.

Highway safety issues in respect of conflict between additional vehicles and pupils at the school.

Potential for increased on-street parking to add to existing access problems for emergency services and service vehicles.

Increase in noise and disturbance, potentially for 24 hours per day.

Insufficient outside amenity space for up to 4 children and staff.

Unacceptable modification of the character of a residential area by introduction of a business use.

No fire escape shown on submitted plans.

Rear extension shown on submitted plans.

Need for additional refuse bins.

Potential detrimental impact upon the 'health and wellbeing' of existing residents of the area.

Detrimental to wildlife including deer, squirrels, birds and hedgehogs.

Institutionalisation of occupants.

Risk to existing local children and pupils/users of the school from 'gaslighting' and grooming' by children resident at the facility.

Potential additional burden on the Police.

Potential to attract paedophiles, sex-offenders, drug dealers and other criminals, with a corresponding detrimental impact upon existing residents of the area.

Potential impact upon house prices and ability to sell.

Need for consistency in decision making, particularly in light of LPA refusal of COU/2020/0353, a similar proposal on Deer Park Road.

There is no indication of how the internal living space would accommodate children in line with the Equality Act 2010.

Implication that the owner doesn't know how to run a children's home, based upon a lack of relevant information in a job advertisement for staff to work at another of their homes.

Principle of Proposal

The site is an existing dwelling located inside 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 therefore, providing the proposal meets all relevant local and national planning policies.

The planning issues for consideration are:

Impact upon Residential Amenity

Impact upon the Conservation Area/Visual Impact

Parking

Noise

Biodiversity

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.

The property is an end terrace dwelling. It adjoins a dwelling. It is located in an established residential area with dwellings in close proximity to the north, south and west, plus a school to the east on the opposite side of Woodgrove Road.

In terms of the level of activity, the use as applied for will result in occupancy by four children, with a stated maximum of four members of staff on site during the day reducing to two members of staff at night. Levels of occupancy during the day will depend upon the number of children in education, as it is highly unlikely that staff will be supernumerary when children are at school.

Whilst this may seem to be an intensification of the site, it is considered that there is little difference between the proposal and the general activity of a family living in a 5 bedroom home. A 5 bedroom home could reasonably be expected to be occupied by two adults and up to four children living as a family. In this sense it is considered that the development will be in accordance with Policy SP5 of Burnley's Local Plan. If the planning application is to be approved, it is considered necessary, reasonable and appropriate to limit by Condition the number of children to be cared for to be no more than 4 at any one time.

It is anticipated that the use is likely to be visited on occasion by representatives of Agencies and other professionals. Whilst these visits may generate traffic and a degree of disturbance, the level of traffic and disturbance is unlikely to be greater than one would ordinarily expect from regular visitors to a C3 family home.

It is appreciated that on-street parking in the locality is limited, and that an increase in demand would have an impact upon residential amenity. The amount of on-street parking likely to be generated by the proposal cannot be gauged given that staff may not all arrive by car. Likewise, the amount of on-street parking required by a 5 bedroom C3 use cannot be gauged given that occupying adults may have a car each and the average age of persons leaving home in the UK ranges between 25 and 30 years old depending upon which set of statistics one chooses to apply. LCC highways has been consulted and has not raised an objection to the proposal, subject to installation of a drop-crossing at the point of access to the off-street parking area within the walled yard.

Impact upon Character of the Conservation Area/Visual Impact

The site is within the Burnley Wood 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 lead to minimal 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.

Parking/Bin Storage

The impact of the proposal on on-street parking is discussed above, and the proposal is not considered likely to require more on-street parking than a C3 dwelling with all bedrooms occupied. As such, the Highways Consultee does not object.

Policy IC3 requires that adequate car parking should be provided for developments as appropriate to their nature and scale. Under this Policy residential development is expected to provide a minimum number of spaces per new dwelling in accordance with standards set out in App.9 of the Local Plan. Given that this is a change of use from one 'C' category to

another, arguably no new residential use is proposed and therefore the provisions of IC3 does not apply as the existing parking situation will continue.

The proposal includes potential parking of up to two vehicles within the existing walled yard. The yard is already served by substantial gates of sufficient width to allow access and egress by motor vehicles. In order for this area to be properly used, a drop crossing would need to be installed and any approval of planning permission should contain a note on the Decision Notice to this effect.

The rear yard area has sufficient space to adequately accommodated bin storage in line with the property requirements.

Noise

The property will remain in a residential use and due to the activity described in the planning application it is not considered that the proposal will generate a significant increase in noise levels beyond what can be reasonably expected from a family home.

Biodiversity

This is an application to change the use from one residential use to another. No impact upon biodiversity is anticipated.

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 regarding perceived behavioural matters for example are not recognised as material considerations. These are controlled by other bodies and cannot be considered as part of a planning application.

Objectors have referred to a need for consistency in decision making, particularly in light of a recent LPA refusal of a similar proposal. It is acknowledged that the LPA has to apply planning policies consistently but must also take into consideration the individual circumstances of each application and make a decision based on the balance of material planning considerations.

Conclusion

The property is a five bedroom house in a residential area, and as such under full occupancy it would be expected to generate traffic, noise and a need for on-street parking. The proposed C2 use is not considered likely to generate significantly more traffic, noise and need for parking than would ordinarily be expected by a busy C3 use. As such the proposal accords with policies contained within the adopted local Plan and the NPPF.

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 subsequently recommended for approval subject to the following conditions

Recommendation:

Approval with conditions

Conditions

1. The development must commence no 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 undertaken in accordance with the following Plans:

Drawing No. HAD3418 01 – Location and site plan, received 06.06.2022.

Drawing No. HAD3418 02 – Existing floorplans, received 06.06.2022.

Drawing No. HAD3418 03 – Existing elevations, received 06.06.2022.

Drawing No. HAD3418 04 – Proposed floorplans, received 06.06.2022.

Drawing No. HAD3418 05 – Proposed elevations, received 06.06.2022.

Drawing No. HAD3418 06 – Proposed, received 06.06.2022.

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 as a children's care home 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.

Planning Note:

This consent requires the construction of an access to the public highway under an appropriate legal agreement of the Highways Act 1980. Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Vehicle Crossing team at Lancashire County Council lhsvehiclecrossing@lancashire.gov.uk to progress the required crossing.