

**Application Recommended for Approval with  
Conditions**  
Queensgate

**FUL/2023/0708**

Town and Country Planning Act 1990

Change of use from family dwelling (Use Class C3) to children's care home (Use Class C2), with an attic conversion and a rear single storey extension (Re-submission of COU/2023/0421).

17 Towneley Street, Burnley, Lancashire, BB10 1UJ

This proposal is a resubmission of COU/2023/0421 and seeks to address the previous reasons for refusal which related to inadequate living accommodation.

The proposal has been amended to show a revised layout within the property to accommodate two older children (Age 12 plus) from Lancashire living together with carers in a children's home environment.

The proposal is presented to DC Committee regarding the request from 3 elected Burnley Borough Councillors.

**Site and Surrounding Area:**

The application site is a two bedroom inner terrace house of traditional stone and slate construction, with dwellings to either side in an established residential area, with dwellings to front and rear also. The house has an enclosed rear yard with a single storey 'outrigger' extension currently used as a kitchen. No off-street parking is available.

The property is within the development boundary limits of the Principal Town of Burnley as defined by the Local Plan.

**Application Site:**





**Proposal:**

The application seeks permission for the change of use of the property from a dwelling (Use Class C3) to a children’s care home (Use Class C2).

The home would accommodate up to two children and includes the removal of the existing outrigger kitchen extension with a larger rear single storey extension and the conversion of the attic to provide additional living accommodation. The Planning and Design Statement describes the proposed use as:

*“The application seeks planning permission for the change of use of the application site from a Class C3 family dwelling house to a Class C2 residential care home for up to 2 young people with the addition of a rear modern kitchen extension and an indoor playroom on the first floor level.*

*The 2 young people residing at the property would be between the ages of 5 and 12. As referred to above, they would have been taken into care for a variety of reasons, some simply because they have no legal guardians and are not of an age to live by themselves. Once they turn 18, it is envisaged that the majority of young people would be able to go on to live normal lives, potentially within the local community.*

*Support to the young persons at the home would be provided by 3 members of staff. Staff would work on a shift basis. 3 members of staff would be on duty throughout the day and overnight there would be 1 staff on duty. 1 member of staff would sleep in and 1 would be working waking nights.*

*Staff change overs would occur at around 10.00 am / 22.00 pm – Therefore after peak hours.*

*As with other care homes, the home would aim to provide the young persons with an environment as close as possible to a normal family home. They would take meals together and help with daily chores. They would each have their own bedroom but would share other facilities in the home.”*

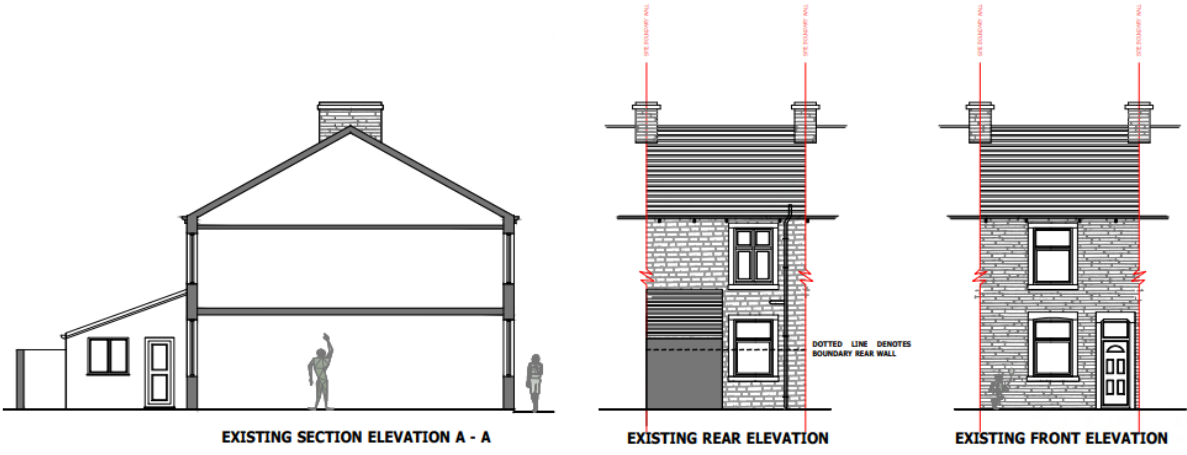
Following discussions with both the agent and provider with LCC Childrens Health the proposal is now for older children (Age 12 plus) to provide local homes for Lancashire children.

The proposal includes the rearrangement of the ground floor to create a staff bedroom plus office, demolition of the existing ‘outrigger’ extension and construction of a new, larger single storey extension within the rear yard. The property to accommodate a bedroom, bathroom and playroom/study to the first floor. The application also seeks to convert the attic room to a bedroom with ensuite and with natural daylight and ventilation provided by three velux rooflights.

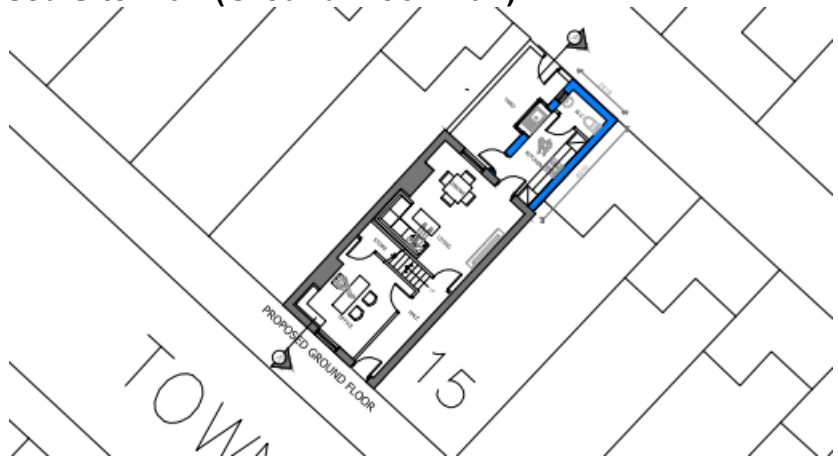
**Location Plan:**



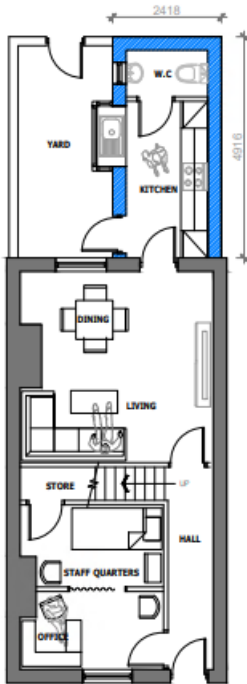
### Existing Plans:



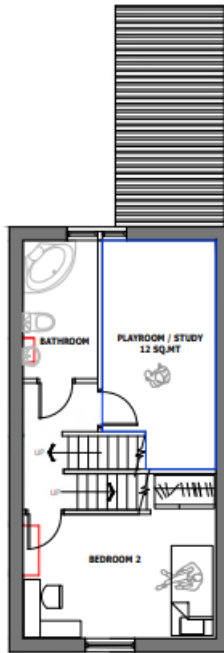
### Proposed Site Plan (Ground Floor Plan):



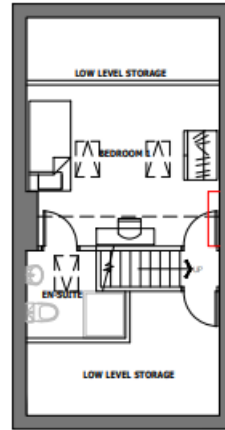
**Proposed Plans:**



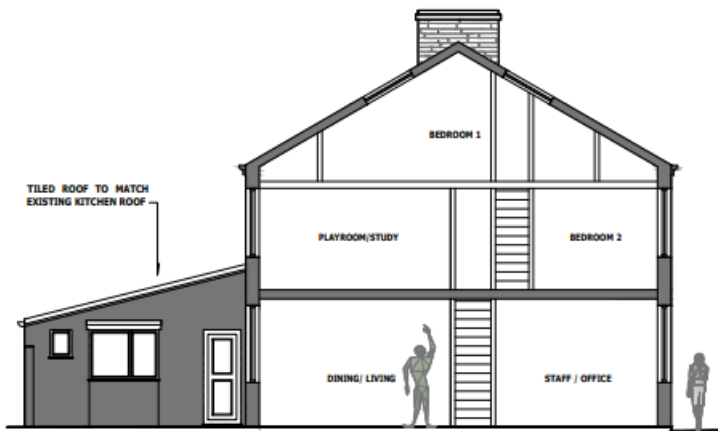
**PROPOSED GROUND FLOOR**



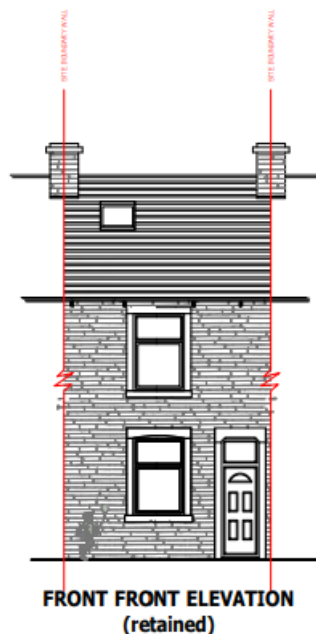
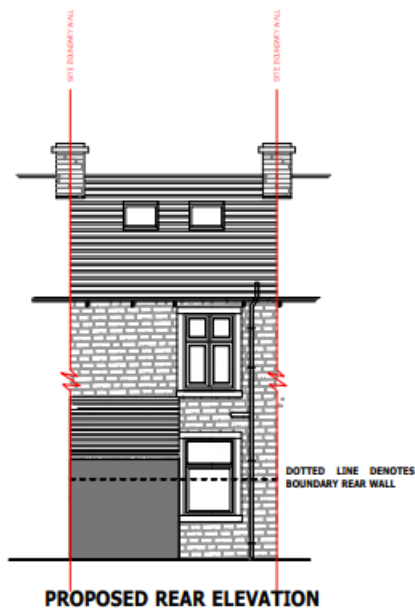
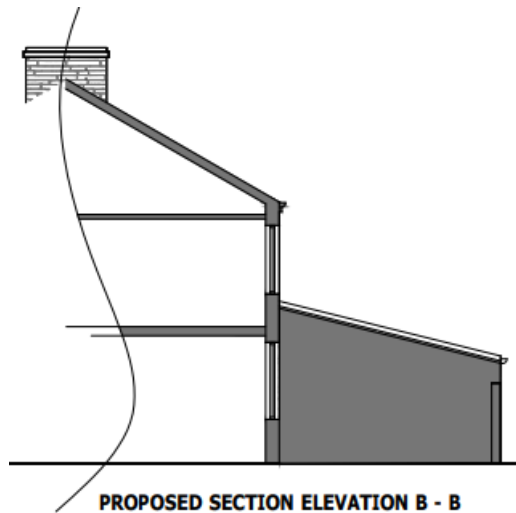
**PROPOSED FIRST FLOOR**



**PROPOSED ATTIC**



**PROPOSED SECTION ELEVATION A - A**



### Relevant Policies:

Burnley's Local Plan (July 2018)

HS5: House Extensions and Alterations

NE5: Environmental Protection

SP1: Achieving Sustainable Development

SP4: Development Strategy

SP5: Development Quality and Sustainability

IC3: Car Parking Standards

Appendix 9: Car Parking Standards

National Planning Policy Framework (2023)

Planning for Health (SPD) (October 2022)

A Written Ministerial Statement on planning for accommodation for looked after children has been issued (23 May 2023). This states:

*The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support.*

### **Recent Relevant Planning History:**

COU/2023/0421 – Change of use from dwelling to children's care home and rear single storey extension and new window opening to front elevation, Refused (August 2023)

### **Consultation Responses:**

#### Lancashire County Council Highways:

“The Highway Development Control Section of Lancashire County Council has no objections to the planning application and is of the opinion that the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

The application site comprises of a terrace property with no off-street parking, however I am of the opinion that the level of vehicle movements associated with a development of this nature and size at this location would not have an unacceptable impact on the adjacent highway.”

#### Lancashire County Council Childrens Health:

Lancashire County Council Childrens Health originally objected to the proposal due to lack of information from the agent and provider. However following discussions with both the agent and provider now withdraw their objections as the proposed care home is now for older children. They have also stated that they are committed to working with Lancashire County Council to provide local homes for Lancashire children.

### **Notification Responses:**

After consulting nearby neighbours, one comment/objection has been received during the neighbour notification period concerning:

- Parking issues
- Not a safe environment for vulnerable children to live
- Drugs
- Fighting
- Dwellings predominately HMO's.
- Landlords not interested in looking after the properties
- Rat infestations

### **Article 35 Statement:**

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application as (originally submitted) and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

### **Principle of Proposal:**

The site is located within the development boundary of Burnley, as defined in the Policies Map of the Local Plan as such Policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale. The National Planning Policy Framework (NPPF) states that plans and decisions should apply a presumption in favour of sustainable development.

Paragraphs 60, 61 and 62 of the NPPF relate to the delivery of a sufficient supply of homes. Paragraph 60 sets out the Government's objective of significantly boosting the supply of homes, highlighting the importance of addressing the needs of groups with specific housing requirements.

Furthermore, Paragraph 61 explains how housing need in an area should be assessed and understood, and paragraph 62 advocates planning policies that address and reflect the needs of particular groups in the community.

A recent Ministerial Statement (dated 23/05/23) sets out the Government's commitment to support the development of accommodation for looked after children, indicating that the planning system should not be a barrier to providing homes for the most vulnerable children in society. This should be achieved by providing 'the right homes, in the right places with access to good schools and community support.'

Given that the application site is within a residential area, the proposal to change the use of the application property into a children's home for the care of two looked after children is considered acceptable in principle. However, whilst the principle of a residential use of the premises as a children's care home is accepted, it is necessary to consider the aspects of this proposed use which might function differently to a residential dwellinghouse and may have the potential to adversely affect the amenities of the area.

The main issues for consideration are the:

- Impact upon residential amenity
- Visual amenity and design
- Highway safety and parking
- Other matters



### **Impact upon residential amenity:**

Both national and local policies aim to protect the amenity of all existing and future occupants of land and buildings. Policy SP5 of the Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking. Similarly, Paragraph 135 of the NPPF requires planning decisions to ensure a high standard of amenity for existing and future users.

Paragraph 4.2.7 of the Planning for Health (SPD) (October 2022) states Policy SP5 Clause 2) h) seek to ensure adequate conditions for occupiers of new development.

The need for the facility was not originally addressed in the application, following discussions with LCC Children's Health and both the agent and provider the care home is now for two older children from Lancashire. The home is, within an established community close to all amenities including a park and has access to public transport. It is also recognised that the proposed use would be one of providing a home for a child / two children and as such is acceptable in principle within a residential area.

It should be considered whether the care home (C2) living conditions are worse than those experienced by persons living in the property as a dwelling (C3). The net difference is that it is proposed to use the front room as an office and sleeping accommodation for employees, and that this area is consequently no longer available to residents. The amount of external space is slightly reduced by the enlarged rear kitchen extension and is typical of that available to residents in the locality.

On occasions where the two children and three members of staff (stated as the number to be in attendance during the day) are all in the living/dining area, these five will share an area of approx. 17sq.m. and a kitchen of approx. 8.3sq.m. There are no space standard guidelines referred to in the Local Plan in respect of C2 uses, however if the Council's space standards for HMOs are applied as a guide, the floor areas are above the required minimum. The Council's HMO standard requires (in respect of an HMO of up to 5 people) a minimum floor area of 11.0m for a living room/dining area and 7.0m for a kitchen. The previous application which was refused failed to provide a separate playroom/study for up to two children, this application contains two separate bedrooms and a playroom for up to two children living at the property.

A matter for consideration is whether the proposed C2 use will have a more intensive use of the property than if it was occupied as conventional housing C3 use.

A key consideration when assessing impact upon amenity of nearby residents is potential noise and disturbance. The proposed use will undoubtedly generate noise. Likewise, a C3 use will generate noise, particularly if children play in the yard. It is difficult to gauge whether the proposed use will generate more or less noise than a C3 use as this is dependent upon respective levels of management/parenting and upon the proclivity of children involved.

A two-bedroom dwelling would normally be considered to house up to two adults plus one or two children, with regular visitors. The proposed use is an intensification in that two children will live at the address and up to three adults will be present at any one time. In addition, it is anticipated that occupants will be visited on occasion by representatives of agencies and other professionals, however the level of visitation may

differ in an additional amount, than from an expected level of visitation by friends and family in a C3 situation. The question therefore is whether the intensification is likely to have an unacceptable adverse effect upon the amenity of neighbours. It is reasonable to assume that an increase in numbers of occupants plus shift-working will lead to a corresponding increase in potential for disturbance, for example from opening and closing house and car doors when shifts change over (10.00 and 22.00 according to the submitted Planning and Design Statement).

The proposed external alterations of the single storey kitchen extension and the installation of 3 velux rooflights to the roof (one to the front and two to the rear) would have the appearance of a normal dwellinghouse.

Despite the proposed single storey kitchen extension bisecting a 45-degree line if taken from the centre of the ground floor window of the adjoining dwelling to the south-east (No. 15 Towneley Street) the net impact of the proposed extension on neighbours will be minimal.

The most significant potential difference between the proposed use and the use of a C3 dwellinghouse of this size would be the day-to-day operation and activity associated with the 'care' aspect of a children's home. There would be staff presence at the site 24/7, with staff movements at the site each day, potentially along with visits.

It is not possible to quantify the precise quantity or regularity of comings and goings from the home, as visits would vary, and staff movements would only reach the upper limit during staff and other agency meetings. Nor would it be reasonable or enforceable in planning terms to restrict by use of a planning condition who could visit the property and when, or to limit the number of visitors present on the site at any given time. It is acknowledged that this would be the case for a family dwelling. As such activities associated with up to two children and 3 staff movements must be wholly acceptable.

It is considered that, although the property is a mid-terrace unit, given the size of the care home proposed, the 24-hour shift patterns, with only two shift changes, the proposed children's home could operate without undue impact upon the amenity of nearby residents as a result of noise and disturbance. Activities associated with the operation would not be over and above what is expected of a residential property of this size. The proposal is therefore compliant with Policies HS5 and SP5 of the Local Plan, which seeks, amongst other matters, to ensure proposals do not have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties. It would not conflict with Section 12 of the National Planning Policy Framework and guidance contained within the Councils planning for health (SPD).

### **Impact on visual amenity and design:**

Policy SP5 requires, amongst other considerations, development to be of an appropriate scale and form and not result in unacceptable conditions for future users and occupiers of the development. Policy HS5 further states, 'Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Policy SP5'

Section 12, Paragraph 131 of the National Planning Policy Framework states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which we live and work and helps make acceptable to communities.

The only operational development of significance is the demolition of the existing outrigger extension and replacement with an extension that will project to the rear wall of the yard with the internal loft conversion to form bedroom with ensuite and storage, with the installation of three rooflights to the roof.

Many houses on this terrace and in this locality have similar extensions, plus the yards are bounded presently by tall masonry walls and is to the rear of the property. Accordingly, the proposal is considered to be of a good standard of design that would not result in any harmful visual impact to the host building or its setting therefore satisfying the requirements of Local Plan Policies SP5 and HS5 of Burnley's Local Plan and the NPPF.

#### **Highway safety and parking:**

The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe.

Policy IC3 seeks to provide adequate car parking to be provided for developments as appropriate to their nature and scale.

The application site falls within a sustainable location, where amenities and public transport are within walking distance. As such, staff do not need to rely on private vehicles as a primary mode of transport. In addition, as it is likely that more on-street parking is available during the day than night, and most staff and visitors will likely be present during the day than the night. With that in mind, the vicinity of the site will be sufficient to accommodate the likely car parking demand of the development.

Whilst it is accepted that the arrival and departure of each staff members, particularly during hand over times has potential to raise parking concerns, it is thought that the proposal is unlikely to generate any undue increased traffic pressure on the highway bearing in mind the proposed occupation and staffing levels and availability of on-street parking.

The proposed change of use will unlikely generate a level of traffic that would have a material impact on the safe and effective operation of the surrounding highways. To conclude, LCC Highways have no objections.

#### **Other Matters:**

Concerns have been raised with regards to perceived behavioural matters and the types of children uses the property The National Planning Policy Framework Para 96 seeks to ensure that development is inclusive, and the fear of crime does not undermine

quality of life, community cohesion and resilience. The courts have held that the fear of crime can be a material consideration. However, there must be some reasonable evidential basis for that fear.

In that regard, the management of the facility would be required to operate within the minimum national standards for children's homes and staff would be subject to Ofsted regulation and inspections. Moreover, the children at the facility would be supervised by a member of care staff. As such and due to the small scale of the proposal, it is considered that sufficient safeguards would therefore be in place to minimise the risk of crime and to protect local children or future occupants.

### **Conclusion:**

The site is an existing family dwelling, and it is considered that the proposed use caring for up to two older children will be different from that of a family dwelling as they are not related to each other. However, the proposal allows for individual bedrooms and a playroom for the two children to have adequate private facilities. It also provides adequate staff facilities for the dwelling to change its use to a Use Class C2 Care Home.

The site is in an established residential area located close to local services, schools, and amenities. It is well connected to public transport which would allow staff, service users and their families to access the site. The proposed care home would provide a local home for children from Lancashire. The accessibility of the site and its potential to offer local accommodation within a well-served residential area weighs in favour of this application.

The physical alterations of the kitchen extension and the insertion of the three rooflights to the building and the proposed change of use would not have a detrimental impact on the character and amenity of the surrounding area. As such the proposal is considered to be acceptable with Policies SP1, SP4, SP5, HS5 and NE5 of Burnley's Local Plan (July 2018) and in accordance with the National Planning Policy Framework and the guidance contained within the Council's planning for health supplementary planning document listed above.

### **Recommendation:**

That planning permission be granted subject to the following 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: 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 shall be carried out in accordance with the submitted application form received 23<sup>rd</sup> November 2023 and the following submitted Drawings:

Drawing No. 2207/01A, Existing and proposed plans and location plan, received 23.11.23

Reason: To ensure continued compliance with the Development Plan.

3. No materials shall be used for the proposed development other than those referred to on the submitted application form and the approved plans, and so retained.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy SP5 of the Local Plan, and the NPPF.

4. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays.

Reason: To safeguard the residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent re-enactment, the approved use shall only be used as a residential care home for up to 2 children who shall be housed from within a 40-mile radius of the application site and not for any other use falling within Class C2.

Reason: To ensure the satisfactory implementation of the proposal to meet local needs and in order that the Local Planning Authority can assess future changes of use in the interests of amenity and highway safety to accord with Policy SP5 of Burnley's Local Plan (July 2018).

#### **Informative Notes:**

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
2. May I also bring to your attention the requirements of the Building Regulations 2010 which is a separate statutory approval that may relate to your development. The Council's Building Control Team can offer advice on your project and will provide you with detailed guidance in relation to all Building Regulation matters. They will also provide a fee proposal for undertaking a formal submission. Please refer to: [Building Control - burnley.gov.uk](http://burnley.gov.uk/building-control)

Melanie Jackson