

Application Recommended for Approval

APP/2018/0025

Lanehead Ward

Full Planning Application

Use of site as residential care home/nursing home (Class C2)

1 THE PADDOCK HIGHFIELD AVENUE BURNLEY

Background:

The application relates to a detached building in a predominantly residential area.

Objections have been received.

Relevant Policies:

Burnley Local Plan Second Review (Adopted 2006; currently saved)

CF14 - Provision, retention and enhancement of community facilities

TM15 - Car parking standards

GP6 – Landscaping and incidental open spaces

Burnley's Local Plan – Proposed Submission Document, July 2017

IC3: Car Parking Standards

[The document has been submitted to the Secretary of State. Objections were received in respect of Policy IC3, therefore, it can be given little weight]

Site History:

12/87/0535: Change of use from private dwelling (Class C3) to Home for the Elderly (Class C2) for a maximum of 10 residents – Granted

12/89/0115: Two extensions to Home for the Elderly to provide an additional 6 bed spaces and use of garage for residential purposes – Refused [Granted on Appeal]

APP/2017/0114: Change of Use from Home for the Elderly to Dwelling (Class C3) – Granted (27/4/2017)

APP/2017/2017/0231: Proposed change of use from nursing home (Use Class C2) to key worker accommodation (sui generis) – Refused. Appeal Dismissed.

Consultation Responses:

Highway Authority - The proposal is for a residential nursing / care home offering 22 beds. The likelihood is that the residents will not have their own cars but the proposed parking provision, originally increased the parking from 5 [*the previous care home had 5 spaces*] to 8 spaces which is an increase of 3 spaces. One of the main issues when considering the appeal for the previous application was the lack of parking available to the residents and the likely impact on Highfield Road, an issue raised both by the residents and the highway authority. The parking provision needed for a C2 use is 1 space per 5 residents equating to 4.4 spaces (LCC standards) Burnley's emerging Local Plan requires an additional space per 10 residents for staff / visitors (2.2) bringing the total to 7. Given the local interest I would have no objection to the additional space. The neighbour's letter mentions access to ambulances and safety along the Paddock. With the proposed use I would not envisage this to be a problem. The enlargement of the parking area may increase the opportunity for ambulances to fully access the site.

Environmental Health - Comments about the need to address issues relating to construction working hours, burning of materials, internal soundproofing between rooms, cycle parking provision and avoidance of light pollution. [*Comment – Conditions relating to the construction period would not meet the necessity test as the main work is internal; requiring soundproofing between rooms in a residential care home would be unreasonable; conditions are recommended in relation to cycle parking provision and to avoid light pollution*].

Neighbouring Residents – Letters from 4 neighbouring residents making objections, summarised as follows:

1. The submitted floor layout drawing shows accommodation appropriate to independent living, as in a house in multiple occupation, rather than a residential care home [*Comment – A condition is recommended regarding the status of the drawing*].
2. The property is not suitable for people in rehabilitation, suffering severe mental conditions, or for young children. The use was previously restricted to care of the elderly and this should continue. [*See comment below*].
3. The use should be restricted to the accommodation of a maximum of 16 elderly persons. More would be overdevelopment and would adversely affect the residential amenity of neighbours. [*See comment below*].
4. Contradict the statement that the building has been a nursing home for more than 10 years and that, therefore, it does not have lawful right to that use.
5. The previous use had 5 car parking spaces and this was adequate. The 8 spaces now proposed would result in unacceptable additional disturbance, and hazard through vehicle movement.
6. Internal conversion work has taken place and action should be taken to reinstate the property to its former condition. The landscape previously removed by the applicant should be restored.

Planning and Environmental Considerations:

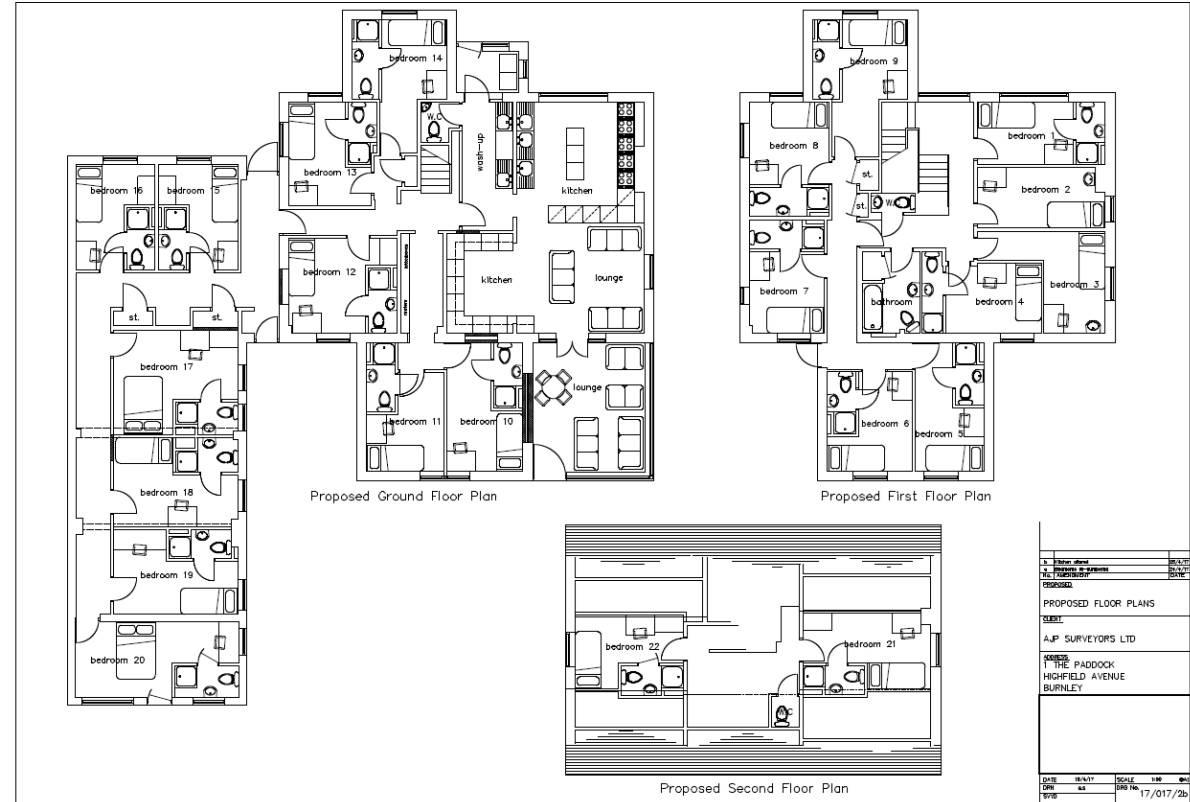
The application relates to a detached building, formerly a large dwellinghouse, extended and used as a Care Home for the Elderly in more recent years. It was built as part of a small group of dwelling houses, (known as 'The Paddock'), with which it shares access from Highfield Avenue. Highfield Avenue is a residential road, leading from Casterton Avenue and giving one of several road accesses to a large residential estate.



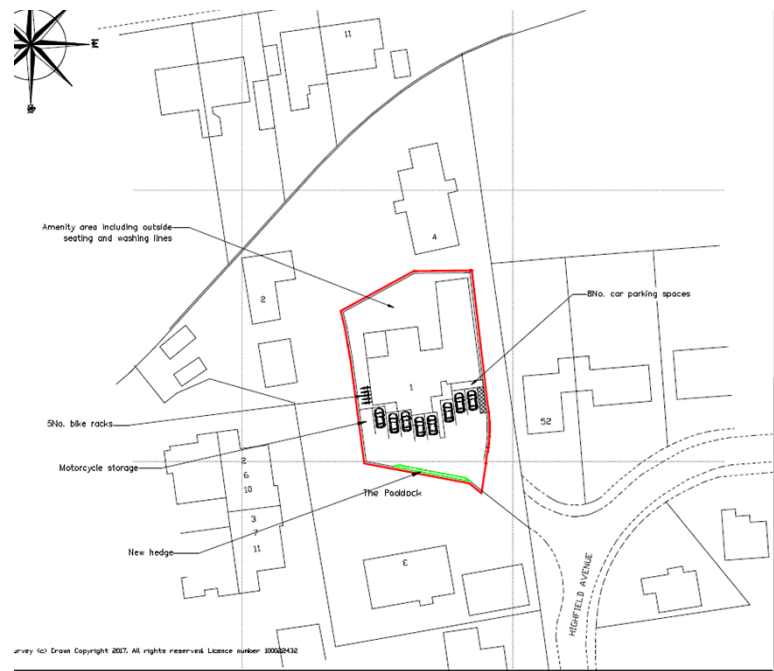
Location Plan

A planning application to adapt the building to provide high quality accommodation for key medical staff (comprising mainly young doctors/medical students) linked to the nearby Burnley Teaching Hospital, was refused in 2017 of grounds of inadequate off-street car parking provision. The subsequent appeal was dismissed.

The residential home use granted in 1987 was restricted by condition to accommodation of elderly persons only. The present application is to enable use of the building for care home purposes without restriction.



Proposed Floor Plan



Proposed Site Layout Plan

Policies and Assessment

Policy CF14 sets criteria for the acceptability of residential care homes, in particular the requirement to avoid adverse impact on road safety and residential amenity.

The Highway Authority is content with the proposal on the basis of the car parking and cycle spaces provided, which is in accordance with **Policy TM15**.

As regards residential amenity, a residential care home is generally acceptable in any residential area and present proposal is unlikely to have any significant impact. In any event, the property was a residential care home for the elderly for many years and the reinstatement of that use would be a fall-back position.

The proposal provides for screen planting along the southern boundary with No.3 The Paddock, and a condition is recommended to require it to be duly provided. This would go some way towards mitigating the loss of planting referred to by the neighbouring resident.

Granting the application, as submitted, would enable the building to be used for any purpose within Use Class C2. This includes hospital, residential school, college and training centre, which would be likely to have adverse impact on residential amenity by reason of noise and disturbance, including impacts relating to movement to and from the building, together with car parking generation that is not provided for in the proposal.

For that reason a condition is recommended to exclude those uses.

Representations

Representation is made that the use was previously restricted to care of the elderly and this should continue. The 1987 permission was subject to a condition restricting the use to residential care home for elderly persons. The stated reason for the restriction was because as that was the use applied for, and therefore other uses had not been considered. The need for any restriction on use should be judged on planning matters, which in this context would be car parking provision and residential amenity, as referred to above.

As regards specified number of in-care residents to be accommodated, this, again, should be judged on planning considerations. No specific number is stated in the present application. The floor layout plan shows 22 bedrooms, together with kitchen, dining and lounge areas and the application goes on to state that the layout is intended to enable any future care home operator to adapt the space to their particular requirements. A condition is recommended regarding the status of the floor layout drawing.

The use as a nursing home is considered a suitable use of the property as it would not be likely to have significantly different impacts on residential amenity or car parking needs.

The 8 car parking spaces provided would exceed the required development plan car parking standards. However, the likely car parking generation of a development cannot be foretold precisely. A modest over-provision is arguably preferable than

under-provision in this context as there would likely be significant harm if on-street parking resulted on Highfield Avenue. The Highway Authority is content with the provision made.

The applicant has carried out conversion work to the building and removed a landscaped area to make way for 8 rather than 5 car spaces. Works to the interior of a building do not amount to development, do not require planning permission and are not, therefore, actionable under planning legislation. Removal of the landscaping is regrettable, but, again, not a matter against which planning action can be taken. A modest replacement of screen landscaping is provided in this proposal, and a condition is recommended to secure its implementation. This would be in accordance with **Policy GP6**.

In conclusion the present proposal is to use the building for a wider, but acceptable, range of uses, for which it was granted permission in the 1980s and for which it was used until 2017.

Recommendation:

That planning permission be Granted subject to the following conditions:

Condition

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Location Plan received 16 Jan 2018; Proposed Site Plan drawing number 17/017/4b, received 8 March 2018.
3. The building shall be laid out in a manner appropriate to its use for a purpose hereby granted and a drawing shall be deposited with the Local Planning Authority prior to first occupation of the building for that purpose. For the avoidance of doubt, the layout of 22 en-suite bedrooms shown on the submitted layout drawing number 17/017/2b, dated 19/4/17, shall not be construed to permit any form of accommodation other than the use described in this grant of permission.
4. The premises shall be used for the provision of residential accommodation and care to people in need of care (other than a use within class C3 dwelling houses)) or a nursing home and no other purpose, including any purpose within Class C2 Residential Institutions, of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.
5. Full details of the method of illumination of the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before development is occupied and the lighting shall only be implemented wholly in accordance with the approved details.
6. Before the development comes into use the provision for car parking and cycle parking shall be implemented in accordance with the submitted details shown

on the submitted drawing 17/017/4ba, and thereafter kept available for use in connection with the development at all times.

7. Before the development is brought into use, the new hedge (identified on drawing 17/017/4b, received 8 March 2018) shall be provided in the position shown on that drawing, in accordance with details to be submitted beforehand to and approved in writing by the Local Planning Authority. The details shall include a planted area at least 14 metres by 1 metre in extent and plant species sufficient to provide a continuous hedge, with the expectation that it will grow to a height of 2.4 metres within 3 years of planting.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. To ensure that there is no doubt about the meaning of this planning permission and the form of accommodation for which it is granted.
4. To enable the Local Planning Authority to consider any future change having regard to Policy CF14 of the Burnley Local Plan, Second Review, currently saved, and any other material considerations.
5. In the interests of the amenities of the neighbouring residents in accordance with Policy CF14 of the Burnley Local Plan, Second Review, currently saved.
6. To ensure that parking provision is made and in the interests of promoting cycling as a sustainable and non-polluting mode of transport.
7. In the interests of the amenities of future residents of the development, nearby residents and the visual amenities of the area generally, accordance with Policy GP6 of the Burnley Local Plan, Second Review, currently saved.

AR
13.3.2018