

Development Control Committee
Meeting to be held on 17 July 2024

Electoral Division affected:
Burnley Central West

Burnley Borough: LCC/2024/0011

**A change of use from class C3 (dwellinghouse) to class C2 (residential institutions) to enable the property to be used as a home for up to three young persons between the ages of 11 and 17 years with no more than two carers staying in the property overnight providing care as required
23 Hutton Drive, Burnley**

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Brief Summary

This application proposes the change of use of an existing residential dwelling house (planning use class C3(a)) to a children's home (use class C2) to enable the property to be used as a home for up to three young persons between the ages of 11 and 17 years with no more than two carers staying in the property overnight, providing care as required. 23 Hutton Drive, Burnley.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limit, approved plans, restricting the use to a children's home only and installation of a vehicle charging point.

Applicant's Proposal

This application proposes the change of use of an existing dwelling house (planning use class C3(a)) to a home for up to three young persons between the ages of 11 and 17 years with no more than two carers staying in the property overnight, providing care as required. The proposed use would fall within Use Class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987. No external alterations are proposed.

The property is in the process of being purchased by the applicant (Lancashire County Council) and the property would operate as a Lancashire County Council care facility.



Children's Social Care exists to give support to children, young people and families who need extra help; protect children and young people from harm and give care and a home to children and young people when needed. A child is looked after by their local authority if they cannot be looked after by their parents. The Government's national Strategy for Children's Social Care, 'Stable Homes, Built on Love' aims to provide children and young people in care with stable and loving homes, however it recognises that there are not enough homes in the right places providing the support that children need. This shortage is having a negative impact on children and young people's wellbeing and outcomes.

The applicant has provided a supporting statement with the application including a Management Plan to demonstrate how the property would operate.

- The property would accommodate up to three children in care between the ages of 11 and 17.
- The children will each be supported by one staff member during the day, and never left unsupervised. Therefore, there would be three staff at the home during the day.
- Staff would work on a rolling rota of day and night shifts. Night shift would comprise up to two members of staff. Handovers would take approximately 30 minutes. An example shift pattern is provided.
- There would be visits to the property from social workers and other staff involved in the children's care and friends and family members.
- It is estimated that there would be approximately 17 staff vehicular movements per day on Mondays – Fridays. This would reduce to approximately 12 staff vehicular movements per day during the weekend.
- Parking for up to three vehicles is provided on the driveway to the property. There is also space within the double garage for two additional vehicles.
- It is expected that the children will attend school.
- Local residents would be actively encouraged to develop relationships with the home and support the children to integrate into the community.
- Local residents would be able to contact the applicant to raise a concern in the event of an issue and they will be provided with the appropriate contact details.

Description and Location of Site

The application property is a five bedroom detached dwelling house with an integral double garage and driveway located on a corner plot on Hutton Drive, Burnley. There are gardens to the front, east side and rear. The property is bounded on all sides by other residential properties that are a mixture of two storey detached dwellings and single storey detached bungalows.

Hutton Drive is located off Pendle Way (both unclassified roads). The property is located approximately 160m south west of junction 11 of the M65 motorway and 1km north east of junction 10. It is located approximately 1km from Burnley town centre.

Planning Policy



National Planning Policy Framework

The following paragraphs are considered to be relevant:

11-14: Achieving sustainable development

60: Delivery of housing

63: Type and tenure of housing needed for different groups

96: Achieving healthy, inclusive and safe places

114-116: Highway safety and sustainable transport

Written Ministerial Statement by Minister of State for Housing and Planning dated 23 May 2023: 'Planning for accommodation for looked after Children'.

Burnley Local Plan (adopted July 2018)

SP1: Achieving Sustainable Development

SP4: Development Strategy

SP5: Development Quality and Sustainability

IC3: Car Parking Standards

NE5: Environmental Protection

Consultations

Burnley Council: advise that they defer to the County Council's judgement on the planning merits of the scheme. They further advise that the council supports the provision of high-quality homes for looked-after children in suitable locations, while ensuring that the impacts on neighbouring communities and local services are carefully balanced.

Lancashire County Council Policy, Commissioning and Children's Health: comment in support of the proposals. They confirm that there is a need for this home as it would help to address an identified gap in local provision.

Lancashire County Council Highways: confirm that they do not wish to raise any objections to the proposals.

Representation: The application has been advertised by site notice and by letter to adjacent occupiers.

A total of 61 letters of objection have been received, and two letters of support. The letters of objection raise the following issues:

Impact on Amenity

- There have not been enough risk assessments around noise to demonstrate that noise would be no more than a private family.
- Traffic, noise and exhaust pollution would be unbearable.
- Disturbance would be throughout the day and night.
- There is a gross miscalculation of expected activity - it will not be comparable to a five bed dwelling.



- Police would be visiting the home during unsociable hours due to the increased likelihood of the children being reported missing which may impact the residents of Hutton Drive by causing disruption to a very quiet neighbourhood.
- There is a supported living facility for severely disabled individuals less than a mile from the proposed location. The proposals could have an impact on these individuals who may be sensitive to noise, disruption, and increased traffic.
- The proposal does not take into account the wellbeing of the existing residents.

Highway Safety

- The extra traffic and parking would cause problems.
- This small street cannot accommodate this many staff vehicles safely. Cars would end up blocking resident's driveways and would prevent ambulances, doctors and district nurses visiting the elderly and vulnerable residents.
- It is very unlikely these children will be attending school full time. Tutors will be coming to the house daily, adding to the amount of vehicular movement.
- The movement of vehicles (a minimum of 17 staff vehicular movements a day plus other professionals and family members) is over and above a normal family home.
- It is not possible to park three vehicles on the driveway. The garage will not be used for parking.
- Due to the proposed shift pattern, there will be times when there are five or more staff at the property.
- I have a severely disabled son who requires multiple carers, ambulance transport, school bus and so on. Additional car parking could prevent access and cause delays for school buses, emergency vehicles and so on.
- There is a discrepancy in the application form and supporting statement: the application form states that there are four parking spaces on the driveway, whereas the supporting statement says there are three parking spaces on the drive and two in in the garage.
- Will the garage be kept clear for parking?
- There are already parking problems on the road.
- The Council must ensure that carers are considerate of other residents close by when parking. This must be included in the management plan.
- The proposal will add to congestion on Pendle Way and have an effect on the carbon footprint of the area.
- Due to the steep incline on my driveway vehicles parking adjacent to the application property would create a severe difficulty for me to reverse either into or out from my property.
- The cul de sac has only partial pavements and has traditionally been used as a play area for the children living at 25 and 26 Hutton Drive and those visiting grandparents in the area.

Fear of Crime and anti-social behaviour

- There has been insufficient consideration of fear of crime.



- Children will not be supervised whilst going about their day and will most likely engage in anti-social activities as a result. Elderly residents are likely to be targeted due to their vulnerability and there is likely to be a rise in crime on the street.
- These children will be able to come and go as they please which is not appropriate nor safe for the vulnerable residents of this street.
- These children will most likely be engaging with drugs and alcohol which would result in an influx of illegal substances being brought onto the street.
- These children's behavioural problems will not be typical of a family.
- The fact that one member of staff needs to stay awake throughout the night would imply that these children will not be asleep or could potentially be putting themselves and others at harm, putting elderly and vulnerable residents at risk.
- The fear generated amongst the elderly and vulnerable population in this community should be enough to stop this application.
- The site is unsuitable for the suggested age group as it has ready access to Burnley town centre which has a significant issue with anti-social behaviour and drug use.
- The children will be at risk of being groomed.
- Lack of authority because no parents.
- The fact that the authority believe that these children will not require a level of care above that of any other child is naive.
- Residents are being kept in the dark about what sort of behavioural problems these children will have.
- Individuals with complex needs are inherently unpredictable and physical violence or threat to others can be commonplace.
- It will bring the wrong type of people to the area.
- There is the possibility of the older adults who live on Hutton Drive being exploited by individuals who target the vulnerable children within children's homes.
- The cul de sac further up the hill on Hutton Drive will attract groups of young people and cars easily turning around will make for a nuisance and impose fear and intimidation into the older adults most in their late 70s and 80s. Criminal damage to gardens is usual and this has not been given any due diligence.
- Although legally defined as children, adolescents aged 16 and above will display all the physical attributes of adults and can appear threatening, particularly to those of advanced years.
- As a social worker the proposal would adversely affect my safety and work life balance.
- The care plan seems contradictory. The children will have 1:1 support in the property and will never be left alone unsupervised indicating a high level of support is needed. However they will be allowed to leave the property with no supervision?
- The proposed staffing levels, particularly at night, appear insufficient to manage potential issues effectively.
- Paragraph 96 of the National Planning Policy Framework states that Planning decisions should aim to achieve healthy, inclusive and safe places so that crime



and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. These aims will not be met by this proposal. Interaction will be avoided as much as possible.

- If the proposal is approved and re-classified as a C2 residential institution the Council could then change the intended use from three troubled youths to something even more problematic without the need for any further applications. The property could be sold to another commercial venture to do the same.
- There should be details of who residents can contact, day or night if there are problems at the property.

Character of the Area

- The proposal would cause huge disturbance to the nature of the street.
- Individuals with complex issues can very unpredictable and can present a threat to others that is/can be commonplace.
- A business should not be operated in a residential area.
- Hutton Drive is a residential cul de sac of 30 privately owned properties of which 21 are detached bungalows and nine are detached houses and not the mix of property types the applicant suggests.
- It would change the character of the area.
- This will be a not-for-profit business being run in a residential area.

Unsuitable nature of the location

- It is predominantly elderly and vulnerable people that live in the area, mainly in bungalows. This area is not suitable for this kind of development.
- There are no amenities on Hutton Drive for teenagers.
- The introduction of a residential institution for young people aged between 11-17 is not appropriate nor safe for those considered vulnerable on this street.
- There are no other children of their own age nearby. Integration into the community will be more difficult to achieve simply because of the demographics.

Wider area

- The proposed home is near to environmental hazards which is against Government guidelines.
- Ofsted's 'Introduction to children's homes - Updated 24 May 2024' - states that the assessment of the location should include whether it is close to criminal hotspots. There is a probation hostel nearby.
- The property is located with access to the canal and poses a risk to the nearby primary school.
- This is not a safe place to house children: the house is located close to the M65, a canal, a motorway bridge, a railway and woodland which leads to the other side of Burnley. Many people have committed suicide on the motorway bridge.
- The location does not provide children with mental health issues a safe environment due to its close proximity to life threatening dangers.



- The young people will be exposed to risks from vulnerable young people housed nearby in Crow Wood Court and Stepping Stones Residential Home
- There is a high likelihood that the children that are to be homed on Hutton Drive have been exposed to multiple adverse childhood experiences (ACEs), leading to an increased risk of them having serious mental health problems. This location is unsafe and unsuitable to house children with such difficulties due to its location close to areas where people could end their life.

Need for the development

- If the Council already has sufficient homes why have these been allowed to be used by other Councils?
- Are there sufficient funds to pay for these extra places?
- What evidence is there that this will lead to solving Lancashire's problems and not creating more space for others?
- To conclude that Lancashire needs to have more children's homes rather than address the issue of children from outside Lancashire being cared for in Lancashire children's homes is puzzling.
- The Council should provide evidence that other suitable properties that provide better value for money have been assessed and that grounds for their rejection have been documented.
- A hostel with multiple placements is a better option and would be more cost effective.
- Lancashire has more children's homes than it needs and cannot provide schooling support in East Lancashire for more children.
- The market position statement states that there are insufficient school places in East Lancashire, therefore there will be a lack of school places for the children in care.
- It makes more sense to house children in large children's homes and not waste money on small individual houses.

Procedural issues/notification of application

- There has not been enough effort to notify the local area and seek open and transparent communication on this matter. Not all neighbours were notified.
- Letters informing neighbours of this change were only sent two weeks before an objection must be made. Many elderly residents are unable to make a representation as they are not used to using the internet.
- As the Council have already purchased the property it sounds like the Council has already made up their minds and are going to open this home.
- Some residents haven't received notification letters.
- As the applicant and planning authority are both Lancashire County Council, to avoid any conflict of interest this matter should be passed to Burnley Council. If the application is kept with Lancashire County Council, it should be decided by the elected representative rather than Council Officers.



- This application will not only affect Hutton Drive residents but will also affect other residents on Stainton Drive, Berwick Drive, Longton Road and Bamburgh Drive. These properties have not been notified.
- The letter delivered gives minimal information about the application -residents are expected to take time and effort to find out the detail.
- The Council's approach discourages objection by making accessing the relevant information as difficult as possible.
- The letter is incorrect as there will be three carers there during the day.
- It is impossible for residents to be assured that comments have been received, discussed and evaluated as this all occurs behind closed doors.
- There is another Ofsted registered children's home in the BB12 postcode approximately 500m away contradicting the supporting statement.
- There are much better sites where children can receive support and help.

Non-material considerations

- It is insulting that house prices should not be a material consideration.
- The proposal is a waste of money as the money could have been spent renovating one of the many ugly dilapidated buildings to provide a purpose-built facility.
- There are no details of how the property will be maintained in the future.
- It would affect the ability to sell houses.
- An increase in noise, potential crime, unsettlement, traffic, and more will lead to increasing insurance fees and poor reputation.
- If the facility is reliant on agency staff this will not give the children, the continuity they deserve.
- The council is unlikely to meet the management plan requirements in the long term due to financial pressures.

The representations supporting the proposal states that more of these facilities are required. One supporter advises that there are some concerns about parking at shift changeover but these and other issues could be resolved through consideration by staff and engagement with neighbours.

Advice

Sometimes it is not possible for children and young people to be looked after safely by their families without support from social workers. When this happens, children and young people come into care and live with foster families, residential carers, with extended family or in other types of homes. The parenting obligations of their families then become the responsibility of Lancashire County Council and partner organisations. This proposal has been submitted to help address the statutory responsibilities of Lancashire County Council to ensure sufficient availability of homes to meet the needs of the children and young people in its care and the objectives detailed in the Lancashire County Council Corporate Parenting Strategy 2022-2026.



Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision-making process. The Development Plan for the site is the Burnley Local Plan.

The planning issues for consideration are the need for the development, planning policy, impacts on neighbour amenity (including noise and disturbance and loss of amenity), impact on highway safety (including parking) and fear of crime.

Need for the development

The Government's national strategy for Children's Social Care, 'Stable Homes, Built on Love', recognises that there are not enough of the right homes in the right places for children in care to live in and this shortage is having a negative impact on children and young people's wellbeing and outcomes. The option to develop in-house children's home provision forms part of the overall solution and is an approach that has been supported by Government.

The Minister of State for Housing and Planning published a Written Ministerial Statement 'Planning for accommodation for looked after Children' in May 2023. In this statement the Government sets out their commitment to support the development of accommodation for 'looked after children' and its delivery through the planning system.

It states that the planning system should not be a barrier to providing homes for the most vulnerable children in society and that local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs. All parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country. The Written ministerial statement should carry significant weight in favour of the proposal. In April 2024 Cabinet approved a programme and capital funding for establishment of up to 15 new children's homes, in addition to 15 homes already agreed by Cabinet. The delivery of the home on Hutton Drive would form part of the County Council's strategy to deliver additional in-house children's homes to provide much needed accommodation to house cared for children in a supportive and safe environment.

The applicant has provided the following information in support of the proposal:

- Lancashire County Council has more Ofsted registered children's homes in its area than any other local authority in England. However, despite having such a



high number of children's homes, the County Council can still struggle to find suitable, local, good quality, good value homes for children in care. 70% of children's homes in Lancashire do not have a Lancashire child living there.

- More children's homes continue to be opened by private providers (25% more in the last 12 months) but of the 62 new homes opened in Lancashire by private providers in the last 12 months, only 30% are currently caring for Lancashire children.
- In Lancashire, almost 15% of the children in the County Council's care live in agency children's homes, but the cost of this accounts for almost 50% of the placement's budget. It is estimated that the delivery of the new model would result in net savings from 2027/28 of around £2.1m per annum.
- The property at Hutton Drive would be used exclusively for Lancashire children.
- There is no other Ofsted registered children's home located within a mile of Hutton Drive.
- Some children are being cared for in properties that are not registered with Ofsted. The property at Hutton Drive would be subject to Ofsted regulations and inspections along with appropriate safeguarding measures.
- The proposed use of the property as a children's home will allow Lancashire children in care to live in a safe residential area which will improve their quality of life. The residential setting will encourage social interaction between people who may not otherwise come into contact.
- The property will be used for up to three children who will be looked after as a single household with a rotation of staff. The use of the property will mirror the routine of a normal family home with three children.
- The proposal does not mean the loss of a family home as the property will be operated in much the same way as a typical home with adults caring for children and young persons.
- The County Council's Children's Homes Market Position Statement 2023 states a desire for a higher proportion of children living in children's homes that are delivered by the local authority.

A number of representations have queried the suitability of this property for the proposed use. The applicant has provided an additional supporting statement setting out the rationale for the selected location. These comprise:

- Several factors were considered when acquiring the property, largely aligning with the considerations of a typical family when purchasing a home, such as internal layout, size and space, established residential neighbourhood, local amenities, proximity to schools and budget.
- There are no specific regulations that specify the proximity to other children's homes. It is good practice to ensure that children's homes are not too close together and there is not an over-concentration of children's homes in one street or neighbourhood. The nearest Ofsted registered children's home is located 1.6 miles away by car on the other side of the motorway.



- Best practice is that children's homes are located in established residential neighbourhoods with sufficient parking and good access to education and healthcare, avoiding areas of social deprivation.
- The Hutton Drive property could provide an environment as close as possible to that of a family home.

Planning policy

The National Planning Policy Framework (NPPF) states that plans and decisions should apply a presumption in favour of sustainable development. It also states that Councils should ensure that the needs of groups with specific housing requirements are addressed and reflected in planning policies and decisions.

The application property is located within the development boundary of Burnley, where policy SP4 applies. This policy states that development should be focused on Burnley and Padiham. Housing development should deliver a range of choice types and tenures. Development will be supported in development boundaries where it is of an appropriate type and scale, makes efficient use of land and buildings, is well located to services and infrastructure and does not have a detrimental impact on residential amenity or other existing land users.

Lancashire County Council has a statutory duty to ensure there is a range of local homes available, sufficient to meet the needs of children and young people in its care.

The application property is located within the settlement boundary, in a sustainable and accessible location. It is therefore considered that the principle of the development is acceptable, provided that the proposal meets all other relevant national and local policy considerations.

Neighbour Amenity

The National Planning Policy Framework states that developments should provide a high standard of amenity for existing and future users (Paragraph 135).

Policy SP5 of the Burnley Local Plan 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 application property is an existing five bedroom detached property located within a residential area. The proposal would provide accommodation for up to three children aged 11-17, with up to four members of staff members in attendance during the day and no more than two overnight. The fact that the staff working at the property would not reside there as their permanent home is one of the factors triggering a material change of use of the property. However, it is considered that this level of occupation is not significantly greater than would be expected with the existing use as a residential dwelling. It would not be unusual to have 5-7 people



living in a property of this size. It is acknowledged that there would be an increased number of visitors at staff handover times, and that other professionals and family members would be likely to visit the property from time to time. This would generate a degree of traffic movements, noise and disturbance arising throughout the day, but this needs to be compared with the characteristics of a normal family home where family, friends, professionals and other non-residents (such as cleaners, carers, dog walkers, gardeners, delivery drivers and so on) could visit regularly.

The children in the proposed children's home would be cared for and supervised at all times, by appropriately trained staff and to Ofsted regulations. The proposal therefore accords with Policy SP5 of the Burnley Local Plan and the National Planning Policy Framework in respect of amenity considerations.

Fear of Crime

Paragraph 96 of the National Planning Policy Framework states that planning policies and decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The courts have held that the fear of crime arising from proposed development is only a material consideration where the use, by its very nature, would provide a reasonable basis for concern. The weight that can be given to fear of crime is often limited unless there is significant evidence to show that an increased level of crime would actually occur.

It is appreciated that local residents have genuine concerns about the potential for an increase in anti-social behaviour and an increase in crime as a result of the proposals. A number of representations have been received regarding this issue based upon the information contained in the County Council's Market Position Statement on Children's Homes.

The Market Position Statement on Children's Homes sets out that there were 2,230 incident logs recorded by Police in a 12-month period (September 2022 to September 2023) against children's homes across Lancashire. 1,363 logs related to non-crime investigations (such as children being missing) and 867 to crime related incidents such as criminal damage, theft and physical and sexual assaults. It is important to note that these figures cover the whole of Lancashire and do not distinguish whether these instances were reports of crime perpetrated or committed by residents of the Children's Homes. In April 2024 there were 267 Ofsted registered Children's Homes in Lancashire and there are known to be further non-registered children's homes in the County. The number of crime related instances at each property is therefore considered to be low.

However, there is no firm evidence that such occurrences, which are ultimately a matter for the relevant authorities in specific instances, would be attributed to future occupants of the property, or that the proposed use as a children's home would be likely to give rise to an increase in incidents of criminal or anti-social behaviour that would directly affect neighbouring residents. The number of children to be cared for



at the property would be a maximum of three. Whilst the children living at the home might have emotional or behavioural difficulties, each child would be supervised at all times when in the property and would attend school as per any other child. Children would be allowed to leave the property out of school hours in accordance with their personal plan and would have curfew times like any other child in a family environment.

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.

Operation of the home would take place in accordance with a management plan. Consequently, it is considered that there is no evidence that the proposal would lead to an increase in crime or anti-social behaviour and therefore no weight can be afforded to the concerns of the local residents in this regard.

Highway Safety

Paragraph 115 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Policy IC3 of the Burnley Local Plan sets out the Council's parking standards. It states that adequate car parking should be provided for developments as appropriate to their nature and scale. The parking standards state that for C2 (residential institution) use classes where there is a low level of care being provided or where there would be a number of more mobile residents, the parking standards for a C3 dwelling house apply. For a dwelling house with four or more bedrooms the minimum parking standard as set out in the Local Plan is three spaces per dwelling (including garages) and the maximum number of spaces is four. However, since adoption of the Local Plan, the National Planning Policy Framework (paragraph 112) now advises that maximum parking standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network.

The application property has a driveway, measuring approximately 5.5m wide by 7m long and a double garage that measures approximately 5.3m wide by 5.7m long internally. The Local Plan states that parking spaces in front of garages should be a minimum of 5.5m in length to enable up and over doors to open. A parking space should be 2.4m wide. Domestic garages should be a minimum size of 3m in width and 6m in length to enable additional storage.

The existing garage is therefore slightly shorter in length than the parking standards require. However it would be sufficient to accommodate a single car, and provide storage space, as it is considerably wider than 3m. Although the applicant states that the drive at the property would be able to accommodate three cars, it is considered



that two cars would be a more reasonable estimate. Nevertheless the property certainly has off street parking for a total of three vehicles which would be the basic requirement for day time care. It is acknowledged that there may be occasions throughout the day when there may be a greater number of vehicles visiting the property and vehicles may need to park on the road, as is the case for other properties at present. Hutton Drive is a cul de sac with no restrictions on parking. Nor are there any parking restrictions on Pendle Way. All properties on Hutton Drive have off street parking available.

Lancashire County Council Highways have not raised any objections to the proposals. They state that the National Planning Policy Framework (NPPF) requires that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Their detailed examination of the proposals, which included accident analysis, assessment of access design, visibility requirements and parking concludes there are no highway grounds to support an objection as set out by the Framework.

The application site is considered to be in a sustainable location, close to Burnley Town Centre. There is an hourly bus route on Pendle Way and the property is approximately a 0.7km walk from Burnley Barracks Railway Station. As no objections have been raised by Lancashire County Council Highways, it is considered that a refusal on highway safety grounds could not be sustained. The potential increase in on street parking that may arise as a result of the proposals is not considered sufficient to warrant refusal of the proposals.

It is considered that a condition should be imposed requiring an Electric Vehicle (EV) charging point to be installed at the property before the new use commences.

Procedural issues

A number of residents have commented on the consultation process. All 30 properties on Hutton Drive were notified directly by letter of the application and a site notice was posted outside of the property. This level of notification is significantly in excess of the statutory requirements set out in the Town and Country Planning (Development Management) Procedure Order. The letter and site notice provided the statutory time period of 21 days for formal consultation. The Council accepts representations after this period, even though it is not under any obligation to do so.

Under Regulation 3 of the Town and Country Planning Regulations 1992 , the County Council is both applicant and determining planning authority in respect of its own development. Burnley Council therefore does not have the authority to determine this application and the application cannot be submitted Burnley Council. However, the Borough Council have been consulted and have provided their views.

Other material planning considerations



There have been a number of recent planning appeal decisions for similar proposals, both across Lancashire as a whole and in Burnley specifically. One of particular note is appeal reference APP/Z2315/W/22/3305898 (Burnley Council reference FUL/2022/0332. The appeal property was 113 Woodgrove Road, Burnley, BB11 3EJ, a five bedroomed end terraced property. The proposal was to provide accommodation for four children and two staff members. The planning application was refused by Burnley Council on the grounds that there would be an adverse impact on the amenities of neighbouring occupants, the main issues being the effect of the proposed change of use on the living conditions of local residents with particular regard to noise and disturbance and the availability of on street parking. The appeal was allowed in February 2023.

The Inspector found that the noise and disturbance associated with the comings and goings associated with the proposed use would not be disproportionately or significantly above what could reasonably be expected to be generated by the existing five bedroom dwelling, nor would the noise be arising from within the property.

In respect of concerns of existing residents regarding the possibility that children at the property would represent a threat to local children, and attract criminals to the area the Inspector found that as 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; children at the facility would always be accompanied by a member of staff and taking into account the small scale of the proposals, that there would be sufficient safeguards would therefore be in place to minimise the risk of crime and to protect local children or future occupants.

The Inspector also found that the frequency of vehicle movements associated with the proposed use was unlikely to be significantly greater than that of an existing dwelling, and that provision of two off street parking spaces was adequate.

It is considered that nature of the appeal proposal and property have a number of similarities to the current planning application and therefore the Inspector's decision should be afforded weight in the decision making process.

The proposed change of use would not impact any natural habitat on site therefore the proposal is exempt from the need to demonstrate any biodiversity net gain.

Other matters

A number of issues have been raised by local residents that are not material planning considerations.

Local residents have raised the issue of property value and future saleability of their properties. However, in general the courts have concluded that planning is concerned with land use in the public interest, rather than the protection of purely private interests.



Conclusion

The concerns of local residents have been considered in detail, and those matters that are material planning considerations have been duly addressed above. It is clear that there is a significant degree of local interest in the proposals and that any decision needs to carefully balance these concerns with relevant planning policies, and other considerations.

It is clear that Central Government expects Councils to facilitate the provision of children's care homes through the planning process, and significant weight should be attached to national policy including the recent ministerial statement. There is a demonstrable need for this type of provision for the Council to meet their corporate and legal responsibilities.

The application property is an existing five bedroom detached house in a residential area. The lawful use of the property as a family home could reasonably be expected to generate a significant amount of vehicle movements, and a degree of noise and activity. Whilst the proposed use of the property falls within a different use class to the current use of the property, it is clearly intended that the property should function in much the same way as a family home. The level of occupancy would not be significantly greater than a family home.

Taking all of the above factors into consideration it is considered that the proposed change of use to a children's care home to accommodate up to three children would not have such a detrimental impact upon the character and amenity of the surrounding area and existing residents to warrant refusal of the proposals and the application is accordingly recommended for approval.

It is recommended that conditions are imposed to ensure that the development takes place in accordance with the approved plans and restricting the use to a children's home only.

In view of the size, scale and nature of the proposals it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That planning permission be **granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than three years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.



Working Programme

2. The development shall be carried out, (except where modified by the conditions to this permission), in accordance with the following documents:
 - a) The Planning Application, Management Plan, Supporting Statement and Supplemental Supporting Statement received by the County Planning Authority on 15 May 2024.
 - b) Submitted Plans and documents:
 - Location Plan ref. v.1.0p
 - Existing floor plan

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy SP5 of the Burnley Local Plan.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall be used only as a children's care home for up to three children and for no other purpose (including any other use falling within Class C2 of the Order).

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy SP5 of the Burnley Local Plan.

4. The development hereby permitted shall not commence until an electric vehicle charging point has been installed and connected to the consumer unit at 23 Hutton Drive. The charging point shall be accessible from the approved parking area and shall thereafter be retained for the duration of the development.

Reason: In the interests of sustainable travel and to conform with Policy SP5 of the Burnley Local Plan.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2024/0011	July 2024	Helen Ashworth Planning and Environment 01772 530083

Reason for Inclusion in Part II, if appropriate

N/A

