

Hyndburn Borough Council – Committee Report

Application Ref: 11/25/0056

Application Address: 138 Whalley Road, Accrington, BB5 1BS

Valid Date: 4th February 2025

Date for Decision: 1st April 2025

Date of Site Visit: 25th March 2025

Date of Report: 6th April 2025

Description of Development: Full: Change of use from dwelling house (C3) to residential institution (C2) in connection with adjoining care home.

The application is brought for Committee consideration at the request of Councillor Pritchard because of concerns regarding about street parking arising from the proposal.

Description of site and proposed development

The application site is shown on the location plan and image as follows.



Application site



Briefly, the application relates to a 2-storey dwelling house set next-but-one property to the end of a residential terrace. As can be seen from the images of the site, the terrace is on rising ground and the houses are consequently built in ascending levels. No138 is thus around one metre lower than No 140 to which it is attached. The end property No136 is of larger size than others in the terrace and is used as a Residential Institution (C2) for Supported Living with Complex Care ('the Care Home'). The property is on the main road frontage of a primarily residential area comprised mainly of residential terraces. The application property, No138 has lounge, dining room, kitchen, utility room at the rear, and hallway/stairway, on the ground floor; and, 4 bedrooms and bathroom on the first floor.

The present proposal is to bring the dwellinghouse into use as part of the Care Home. The precise use would be to provide a 'step down' supported living space for three residents requiring complex care to live in a more independent environment whilst maintaining staff support. The property would be retained internally in the form of a dwelling house. The ground floor would be altered to provide a 'through' lounge/dining room; and, the rear utility room would become an office for the Care Home. A link into the existing Care Home would be provided by a new opening from the altered kitchen/office. There would be no external alterations to the property.

Consultation responses (summarised)

Neighbours notified by letter.

Consultation period expired 3rd March 2025.

One representation has been received making objections on the following grounds (summarised) as follows:

- Loss of privacy to rear garden by overlooking from rear first floor bedroom windows.
- Possible additional noise from the property.

Highway Authority – Makes the following comments:

Having considered the information submitted, there is currently no off-street parking with this terraced property. There is no change to the access or external alterations being proposed. Ref. planning statement, there would be no additional staff requirements, as the staff are to be shared with the next door existing C2 residential institution.

The above proposal raises no highway concerns as it is in a sustainable location, on a bus route and close to local amenities. There is no parking restrictions outside the property or on the side streets within the vicinity.

With ref: Planning Statement 4/2/25-P2 submitted, the Highway Development Control Section would raise no objection to the proposal on highway safety grounds.

Environmental Health Officer – Makes the following comments.

I have considered this application and also noted that one of the adjoining properties (no.136) is owned and operated by the applicant. The existing property, which offers accommodation for up to 9 adults, has operated without any complaints to the Environmental Protection Team, in relation to amenity issues. The new application seeks to offer accommodation for up to 3 adults, moving towards independent living, with some staff support, in association with the existing property.

Given the above, I have no objections to make in relation to this application.

Fire Officer – Advice about fire protection for the information of the applicant.

Relevant Policies

National Planning Policy Framework (NPPF)

Core Strategy – Adopted January 2012

Env6: High Quality Design

Env7: Environmental Amenity

T1: Improving Connectivity

Development Management DPD

DM26: Design Quality and Materials.

DM29: Environmental Amenity

DM32: Sustainable Transport, Traffic Management and Highway Safety (including

GN8: Car parking standards)

Planning history

None relevant

Observations and assessment

Procedural

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration (NPPF paragraph 2).

NPPF defines sustainable development (paragraph 8), sets a presumption in favour of such development, requiring that: proposals in accordance with an up-to-date development plan be approved without delay (paragraph 11); and, that decisions should be approached in a positive and constructive way (paragraph 38).

NPPF (paragraph 60) says it is important that [...] the needs of groups with specific housing requirements are addressed; and that (paragraph 63) the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

Considerations

The application proposes the change of use of a mid-terrace dwelling house for use as part of an existing Care Home. Three people would be accommodated, living with a degree of independence, whilst continuing to have support from the Care Home which would be internally linked. There is a representation about overlooking/loss of privacy for children, and noise; also there is concern about parking problems and highway safety.

The main consideration for this application are the impact on neighbouring property; car parking; and, any other matters arising from consultations or otherwise.

Amenity

Policy DM29 requires that development protect neighbouring dwellings from loss of privacy and increased noise/disturbance.

The application is about re-purposing existing property. The two rear bedrooms are proposed to continue the purpose as bedrooms, and no new window openings are proposed. There is a representation about overlooking from the rear bedroom windows.

It is evident, from the position of the rear bedroom windows, that there is a potential for overlooking of the rear outdoor area of the adjoining house, No140. The submitted first floor drawing (copied as follows) shows the location of the bedrooms and windows, and indicates the potential direction of outlook from the rear windows.

Over-looking could obviously be prevented by the obscure glazing of the two windows. This matter has been considered by the applicant with the conclusion that obscure glazing of the windows would significantly harm the living conditions

provided by the bedrooms. It would be de-meaning and detrimental to the recovery of the residents occupying those bedrooms.

The rooms are intended for occupation as bedrooms, not as bed-sitting rooms. The potential for over-looking would not change as a result of the proposal. Whilst there is a perception of over-looking, this is often the case with regard to bedroom windows; the proposal would not be in conflict with Policy DM29 as regards privacy.

There is a representation about possible increase in noise levels. The property is intended to be occupied in the nature of a dwelling house. The occupation by 3 persons is unlikely to result in significantly elevated noise levels. The Environmental Health Officer is content with the proposal. The proposal would not be in conflict with Policy DM29 as regards noise disturbance.

Car parking

Policy DM32 (as relevant to the proposal) expects all development proposals to encourage sustainable travel and meet with local car parking standards.

The property is in a tight-knit urban area where off-street car parking is rare. There is no car parking for the existing dwelling house nor the Care Home; and, none can be provided. Assessing car parking first, hypothetically, (using the relevant car parking), then practically using appropriate highway advice and planning judgement:

- The car parking standards are set in Guidance Note GN8. The standard for a proposed residential institution is 1 space per 5 residents, plus 1 space per 10 beds for visitors/staff. This points to the need for 2 parking spaces. The existing 4-bedroom dwelling house would be correspondingly be assessed as needing 3 spaces. Therefore, the car parking demand would be improved by one space (i.e. there would be demand for one less space).
- The Highway Authority raises no highway concerns, commenting that there is no change to access; the property is in a sustainable location (close to bus route and local facilities) raising no highway concerns; and there would be no increase in staff. Therefore, no objection is raised to the proposal on highway safety grounds.

The property is in a sustainable location where there is a minimal need for staff/visitor car parking and on that basis the proposal would not be in conflict with DM32.

Other matters

The proposed use is within Use Class C2 identified in the Town and Country Planning (Use Classes) Order 1987 (as amended). The C2 class includes a wide range of residential institution uses (such as hospitals, nursing homes, residential

school, training centre) for which the property would not be suited. A condition is therefore recommended to restrict the use to that proposed.

Conclusions

The proposal would enable the provision of a beneficial enhancement of the existing Care Home, to which it would relate, without causing significant harm to the amenities of neighbouring residents or to the area generally. Subject to the recommended conditions, the proposal would be in accordance with the development plan and the recommendation is made on that basis.

Recommendation

That the application be Granted subject to the following conditions:

Conditions:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following documents:

The planning application forms and location plan received by Hyndburn Borough Council on 4th February 2025, and,

Submitted drawings, namely: Drawing(s) number:

- 001 (Existing Site Plan);
- 003 (Existing Ground Floor);
- 004 (Existing First Floor);
- 006 (Existing Roof Plan);
- 010 (Existing Front Elevation);
- 011 (Existing Rear Elevation);
- 012 (Existing Side Elevation);
- 091 (Existing Visual 001);
- 092 (Existing Visual 002);
- 101 (Proposed Site Plan);
- 103 (Proposed Ground Floor);
- 104 (Proposed First Floor);
- 106 (Proposed Roof Plan);
- 110 (Proposed Front Elevation);
- 111 (Proposed Rear Elevation);
- 112 (Proposed Side Elevation);
- 191 (Proposed Visual 001); and,

192 Proposed Visual 002), received by Hyndburn Borough Council on 4th February 2025.

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to control the development and to minimise its impact in accordance with policies Env6 and Env7 of the Hyndburn Core Strategy and DM26 and DM29 of the Hyndburn Development Management Development Plan Document.

3. The building shall be used for the supported living of 3 people in connection with the adjoining Care Home (as described in the application) only and for no other purpose including any purpose within Use Classes C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: Notwithstanding that the proposed use (as described and defined in the application) would be an acceptable use of the building, the application does not demonstrate (taking account of its characteristics, including its location, its amount of internal accommodation and layout) that the building would be suitable for other uses within those Use Classes in accordance with the development plan, including policies Env6, Env7 and T1 of the Hyndburn Core Strategy and DM14, DM26, DM29 and DM32 of the Hyndburn Development Management Development Plan Document.

Informatives

1. Reasons for approval of the application

Subject to conditional control the proposal would not cause demonstrable harm to visual / residential amenity or highway safety or to any other matter of acknowledged importance and accordingly would suitably accord with local and national planning policies and in particular Policies Env6 and Env7 of the Hyndburn Core Strategy and the Hyndburn car parking and access standards.

2. Strict accordance with approved plans

This planning permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
- (b) You or your agent or any other person responsible for implementing this permission should inform Development Control immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

3. Conditions

This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

4. Building Regulations may be required

The enclosed approval is issued under the Town & Country Planning Act 1990. You may also require Building Regulation approval which is dealt with by this Department's Building Control Section (Tel: 01254 380194). You must ensure that all necessary permissions are obtained BEFORE starting work, otherwise abortive expense may be incurred.

5. Coal Authority

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 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

6. Contaminated Land

The applicant should be aware that the application site is identified as being potentially affected by land-fill gas from a former gasholder site.

7. Fire Officer

The Local Authority Building Control/Approved Inspector and Fire Service should be consulted at the earliest opportunity where more specific advice can be offered.

8. BNG

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) A Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) The planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Hyndburn Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.