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**Report of the Chief Planning Officer**

***South and West Plans Panel***

**Date: 28 September 2023**

**Subject: Application 23/03811/FU: Change of use from Dwelling (C3) to Children's Care Home (C2) at No.8 Chatsworth Crescent, Pudsey, LS28 8LD**

<b>APPLICANT</b>	<b>VALID DATE</b>	<b>TARGET DATE</b>
<b>Mr M Shafiq</b>	<b>10 July 2023</b>	<b>4 September 2023</b>

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**Electoral Wards Affected:**

**Calverley & Farsley**

Yes

Ward Members consulted: (referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: GRANT PERMISSION subject to the following conditions**

**Conditions:**

1. Time limit – Commencement within 3 years.
2. Development to be carried out in accordance with approved plans.

3. Restrictions on number of residents that reside at the site at any one time to three.
4. Restrictions on number of resident staff on site at any one time to three.
5. Details of bins (siting and method of storage) to be submitted for written approval.
6. Details of electric vehicle charging points to be submitted for written approval.

## **INTRODUCTION:**

- 1 The application is brought to Plans Panel at the request of Councilors Andrew and Amanda Carter who have outlined that they are of the view that a change of use of a semi-detached property to a Children's Care Home within this residential area is not appropriate and provided the below reasons (quoted directly):
  - "The loss of a residential unit in a residential area for the purposes of running a business (albeit a Children's Home).
  - The close proximity to the next door bungalow, which is the home of a disabled elderly lady.
  - Probably, most importantly, what checks have been carried out as to the proposed operator and owner of this business? Will his staff be properly trained and qualified for the care of young people up to the age of 17?
  - What risk assessments have been undertaken?
  - Chatsworth Crescent is a well-known rat run. Indeed, prior to this application I was in discussions with the Highways Department about the installation of speed humps to combat speeding traffic.
  - How is this proposed Children's Home to be regulated and how is the number of occupants to be limited?
  - Inadequate parking within the curtilage of the building.
  - Precisely what sort of Home is it proposed to be? Is it, for example, for handicapped and disabled young people or is it for children and young people in general care?"

## **PROPOSAL**

- 2 The proposal is for the change of use of a dwelling house within the Use Class C3 to a residential home within Use Class C2.

- This home will be for three children/young people aged 8-17 years of age.
- The home will be supported by 4 staff in total working a rota of 48 hours on and 48 hours off. Two members of staff would be on site at any one time with potential for the need of a third. The rota patterns will require staff to sleep over as part of their shift.
- Social worker visits would take place in an environment away from the site.
- There are no proposals for alterations to the external or internal parts of the building nor do the submitted details indicate that there would be any alterations to the grounds.
- The existing off-street parking facilities on the site's driveway would be utilised. This is located to the front and has a depth that extends through a carport into the rear garden. This provides space for 3 vehicles and as such, no additional parking facilities would ostensibly be required.

#### **SITE AND SURROUNDINGS:**

- 3 The application site comprises a detached 5-bedroom semi-detached dwelling located on a bend in the road on Chatsworth Crescent, Leeds, LS28 4RX. There are gardens to the front and rear that include areas of hardstanding providing off-street parking.
- 4 The wider character of the area is residential with detached and semi-detached dwellings of single and two storey heights, ranging from approximate periods from the mid-late 20<sup>th</sup> century.
- 5 The site sits within the Calverley and Farsley Ward. Calverley identified as being a smaller settlement with Map 3 (Settlement Hierarchy) and Table 1 of the Core Strategy (Identification of Settlement Types) Farsley is identified as being within the Main Urban Area. There are good levels of amenities and services close to the site. These are as follows:
  - Thornbury Medical Centre is approx. 1.3 miles away (circa 5-minute drive).
  - Robin Lane Health and Wellbeing Centre is approximately 1.7 miles away (circa 5-minute drive)
  - Pudsey has schools with the site's catchment area if the children were to attend local schools.
  - Shopping facilities can be found located within the Owlcotes centre Farsely Town Centre or Pudsey Town Centre; all are a circa 5-minute drive from the site.
  - Public transport routes sit close by along Galloway Lane and Bradford Road.

- 6 It is considered that given the wide range of existing amenities, existing highway infrastructure, good public transport route and frequency in union with the well-established residential settlement, the site can be regarded as being within a highly sustainable location.

#### **RELEVANT PLANNING HISTORY:**

- 7 There is no history that is relevant to this application. However, the below case and appeal decision is set out for Members to inform Members of the relevant planning background with regard to a previous resistance of a change of use of dwellings to use as children's care facilities.
- 8 16/07459/FU: 13 Wellington Grove, Bramley for a Change of use of dwelling (C3) to a residential children's care home (C2) – This site falls outside of the area of the site but given that the proposal is for a change of use from a C3 to a C2 use the findings of the Inspector dealing with the subsequent and relatively recent appeal are considered to be relevant in this instance. The LPA refused this application for the below reason:

*The Local Planning Authority consider that the proposed use of the host property as a Children's Care Home (C2 Use Class) is unacceptable by reason of the increased noise and disturbance from the comings and goings of staff associated with the running of the proposed use, resulting in the intensification of the use of the building, which would result in multiple users that would be above those levels reasonably expected if the building was in use as a family home. This would therefore have an undue effect on the living conditions of neighbouring residents, compounded by the back-to-back nature of the dwellings. As such the proposal is contrary to saved Policy GP5 of the Leeds UDP (2006) and the advice contained within the National Planning Policy Framework (2012).*

*The Local Planning Authority considers that this property, a back-to-back house, is unsuitable for the provision of specialist care for children due to the lack of outdoor amenity area, limited scope for private/quiet rooms, and the higher levels of noise transfer from surrounding properties. It is considered that the likelihood of the children to be homed here having severe emotional and behavioural disabilities would be higher than with a typical family and that the type of property could therefore create a more harmful environment for them to live in. This would be detrimental to their amenity, contrary to policy GP5 of the UDP.*

This was subsequently allowed at appeal in October 2011. With regard to noise and disturbance the Inspector notes in his findings that:

*“.....it is argued that the potential emotional and behavioural difficulties of a child at the property would contribute to adverse and excessive noise and disturbance from within the property for neighbouring occupiers. However, I have seen no substantive evidence to support this. Furthermore, whilst the children likely to reside at the property may have such difficulties, I find it unreasonable to assume that such behavioural and emotional needs would inevitably result in anti-social behaviour and excessive noise or disturbance.”*

Members' attention is drawn to the above as it is pertinent to the determination of this application now before the Panel. It should also be noted that the Inspector's findings refer to the change of use of a back-to-back property, thereby much smaller than the application site with much less outdoor space.

### **HISTORY OF NEGOTIATIONS:**

- 9 The proposal before Members is unchanged from the date of its submission.

### **PUBLIC/LOCAL RESPONSE:**

- 10 This application was advertised by 1 x site notice close to the site on Chatsworth Crescent on the 20 July 2023. Neighbour notification letters were also posted to No's 2, 4, 6, 10 and 12 Chatsworth Crescent and No.15 Chatsworth Road on the 20 July 2023. This application has attracted 23 letters of objection including representations from Councillors Andrew and Amanda Carter.

#### Ward Members and MP

- 11 Councillor(s) Carter have objected to the application for the reasons cited in Paragraph 1.
- 12 Stuart Andrew MP has also issued a letter of support for a resident within regard comments raised by the resident that the proposed use would be inappropriate within the street and that the use would add to the street problems due to lack of parking.

#### Other Public Response

- 13 The issues raised through the representations received from the local residents are summarised below:
- There has been a lack of local consultation regarding the proposal.
  - Not all residents received a neighbour notification letter.
  - A care home of is an inappropriate use with the residential street and would be incongruous and against the prevailing character.

- An incompatible use on a street where there are elderly residents.
- Increased levels of noise, disturbance, comings, and goings.
- Potential for anti-social behavior.
- Highway safety issues due to the site being on a blind bend and the intensification of the site.
- Lack of parking to serve the proposed use.
- Additional pressures on local services (Doctors and schools).
- Potential for greater occupancy and staffing levels.
- The size of the property is not sufficient for the use.
- No local precedent for the proposed use on the Chatsworth Housing Estate.
- The staffing levels present a safeguarding and security issue.
- How would the proposal be funded?
- What is happening with the current occupants who rent the property. Will they reside at the site with the occupants and staff of the care home?
- The current occupants will be displaced if the change of use is allowed.
- Are the children already in the care system or are they coming from overseas?
- Will the community need to support the care home and what support will residents receive?
- The proposed use would lower the tone of the neighbourhood.
- The elderly residents may not have access to the internet and are unable to object leaving them voiceless and powerless.
- The comings and goings would further erode the state of repair of the road surface.
- This would result in the decrease of property values.
- The use is for profit only

## **CONSULTATION RESPONSES:**

### Highways

- 14 No objections and no concerns raised with regard to highway safety or off-street parking provision. A condition has been recommended for the installation of one 32 amp electric vehicle charging point.

### Flood Risk Management

- 15 No objections

### Children's Services (CS)

- 16 CS were consulted as part of this application, but no response has been received.

## **PLANNING POLICIES:**

- 17 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Leeds is made up of the Core Strategy (Review 2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), the Site Allocations Plan (2019) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013, the Aire Valley Leeds AAP, as well as any made neighbourhood plans (although there is no made neighbourhood plan for this area).

### Relevant Policies from the Core Strategy:

- GENERAL POLICY: Presumption in favour of sustainable development
- Spatial Policy 1: Location of development in main urban areas on previously developed land.
- P10: Design, context and amenity consideration
- T2: Accessibility

### Relevant Saved Policies from the UDP:

- GP5 – General planning considerations

### Supplementary Planning Guidance and Documents

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
- Transport SPD (2023)

### National Planning Policy

- 18 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied (para 1) and is a material consideration in planning decisions (para 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). In order that sustainable development is pursued in a positive way at the heart of the Framework is a presumption in favour of sustainable development (paras 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para 38).

The below sections of the NPPF are considered to be most relevant:

- Section 2 – Achieving sustainable development

- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport

The Equality Act 2010

## **MAIN ISSUES**

- Principle of development
- Character and Appearance
- Impact on residential amenity
- Highways
- CIL
- Other issues

## **APPRAISAL**

### Principle of development

- 19 Spatial Policy 1 of the Core Strategy relates to the location of development and confirms the overall objective to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance between Brownfield and Greenfield land.
- 20 The proposal seeks to change the use of No.8 Chatsworth Crescent from a family house within the Use Class C3 to a residential care home within the Use Class C2.
- 21 The proposed end use would be within a well-established urban area that sits close to existing amenities (shopping, medical and education) within Farsley and Pudsey. The travel times and methods of travel to these shopping and service areas are the same as they would be if the house stayed within a C3 use, and there is no requirement that a residential care home operating from an existing building would need to be any closer to the existing local amenities than the surrounding residential population on Chatsworth Crescent or the nearby streets. Moreover, the immediate area is well served by public transport routes to designated centres within Farsley and Pudsey as well as the Owlcotes Retail Park. Therefore, the site is considered to be within a sustainable location.
- 22 The Applicant asserts that the use would seek to function as a family environment with residents living as a household. This would respond to the residential context of the area and the number of occupants at any one time, would be no more than one could expect if a family occupied the site. In the



Officer's opinion, this proposed use and the occupancy limits of three children/young people and the two-three members of staff that would be on-site at any one time, would have a neutral impact on the local services as there could be a very similar (if not the same) impact as from family occupation of the site. This would be a residential care home within a residential area, albeit the dynamics differ from a family home (i.e., that the staff would work there rather than it being their home).

- 23 The use is considered to accord with the aims of Spatial Policy 1 and there is no policy context that could reasonably prevent a change of use from a C3 use to C2, and therefore the principle of the change of use is considered to be acceptable.

#### Character and Appearance

- 24 There are no physical changes proposed to the external parts of the building or to its grounds. It is not considered that the use of the site with the limited level of three residents and associated on-site staff and any visiting support specialists would change the residential character of the site or over-intensify it beyond what could reasonably be expected if this five bedroom semi-detached dwelling remained in family use.

- 25 The scheme is considered to be compliant with the aims of Core Strategy Policy P10 and saved UDP Policy GP5 and the policy contained within the NPPF.

#### Impact on residential amenity

- 26 It is not considered the proposal would have any impact on existing residents, in terms of over-shadowing and over-looking as there are no alterations proposed to the building or its plot.

- 27 The building is semi-detached with gardens that adjoin neighbouring sites. Whilst it could be argued that the chances of noise and disturbance could be higher than if a family occupied the property, any instances of difficulties would be dealt with by the staff that will be on site. It is not considered that any levels of noise and disturbance from the three residents and the on-site care team would be significantly greater than a family situation, and there is no evidence to suggest otherwise.

- 28 The care home would provide accommodation for young people likely having a variety of issues, and until referrals are made it would not be clear to the Applicant exactly to what extent of care and supervision individual occupiers will need. Nevertheless, this is a care home with a duty of care and one that will be subject to assessment by a regulatory body. The suitability of the internal provision and

ensuring this is of the appropriate standard sits outwith the planning decision-making process and is the subject of separate regulatory provisions / standards.

- 29 It is a usual requirement that operators record and log any complaints made about a care home, and that the regulatory body (OFSTED) would then investigate. In principle and dependent upon the scenario, operators run the risk of their licenses being revoked should they fail to meet the relevant and required standards.
- 30 In Officers opinion the proposed use would not result in unduly increased comings and goings from staff changes and transportation of the residents than the existing C3 use. The home will be supported by 4 staff member, 24 hours a day working on a 48 hour (on/off) rota basis with 2 staff members on site at all times with the possibility of 3 if any situation existed that required additional support. The proposed layout includes a staff bedroom. As with a family home visits and activity could occur throughout the day and at sociable hours into the evening and at a similar level of vehicles and visitors.
- 31 In light of the above, Officers acknowledge that many attributes of family life could occur however, the nature of the occupation, involving the rotation of the care workers due to their shift patterns, the comings and goings to the site may on occasion be more numerous than could be anticipated for most family homes but it is not considered that the levels of comings and goings would be significantly greater than those a family could attract. It is therefore deemed that the impact on the surrounding neighbours would not be unduly harmful. Moreover, conditions restricting resident numbers to no more than 3 residents and 3 members of staff (on site at any one time) will ensure that the site would not be overly intensified beyond the limits of the property if it remained a family home.
- 32 Officers are of the view that the scheme is compliant with Core Strategy Policy P10, saved UDP Policy GP5 and with the NPPF.

#### Highway and pedestrian safety

- 33 Core Strategy Policy T2 requires that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility. Paragraph 111 of the NPPF directs LPA's not to withhold or refuse development on highways grounds unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 34 As part of this application a technical view was sought from Highways who have indicated that the surface parking area within the site provides for adequate levels of off-street parking for up to 3 vehicles. Highways have taken the view that the parking demand associated with the existing C3 use would be similar to

the proposed C2 use. Moreover, no highway safety issues have been raised with regard to location of the site on the bend of the road along Chatsworth Crescent or that the proposed use would be any more problematic to the road surface than if the house remained with Use Class C3.

- 35 Conditions have been suggested by Highways for waste collections details and an electric vehicle charging point and these are recommended to be imposed. Cycle parking can be accommodated within the retained detached garage block to the rear.
- 36 Therefore, Highways have concluded that the proposal are acceptable in highways terms. The scheme is compliant with Core Strategy Policy T2, saved UDP Policy GP5 and with the policy of the NPPF.

### CIL

- 37 The proposal is a change of use and is therefore exempt from CIL under the Community Infrastructure Levy Regulations 2010 (as amended).

### Other issues - Representations

- 38 The points raised in representations have in the main been covered within the above report. With regard to the other concerns raised through representation in respect to anti-social behavior, compatibility with elderly residents, safety and safeguarding, there is no evidence to suggest that the young people placed at the site will present any detrimental or problematic issue above and beyond any child or children that form part of a family unit.
- 39 Matters raised regarding safeguarding issues, risk assessments, staff training, funding, whether the children would already be within the care system, from overseas and the operator's background are matters outside of the parameters of Planning. Such matters would be dealt with through separate regulatory frameworks and legislative regimes where appropriate. Such issues are outside of planning and not perceived issues that are to be sought to be remedied via planning. Therefore, these considerations are not considered to be material to the determination of this application.
- 40 Comments have been received stating that there has been a lack of local consultation regarding the proposal and that not all residents received a neighbour notification letter. A site notice was placed in a prominent location close to the site on 20 July 2023 and notification letters were issued to the nearest properties on 20 July 2023. Officers consider the statutory requirements to notify residents of the application have been fulfilled. It is beyond the authority of Officers to insist that the Applicant arranged and undertook a consultation, but it is duly noted that such local engagement can be helpful to residents.

41 Responding to other comments raised within the representations:

- No local precedent for the proposed use on the Chatsworth Housing Estate.
  - This point is duly noted but a precedent for a care home is not a test of planning policy against which any such application is assessed and each application is considered on its own merits.
- What is happening with the current occupants who rent the property. Will they reside at the site with the occupants and staff of the care home?
- The current occupants will be displaced if the change of use is allowed.
  - The application does not deal with the current tenancy arrangements (comments within representation indicate that the current occupants rent the property). They would not be sharing with the children as this would present a significant safeguarding issue (a matter outside of planning). If the change of use is granted planning permission, then that will result in a cessation of the property for use within Use Class C3 and presumably the current occupants would relocate as the property becomes a Children's care facility. The granting of planning permission would not override any tenancy rights that the current occupants may have. Ownership and occupancy of land are considerations outwith the planning decision-making process.
- Will the community need to support the care home and what support will residents receive?
  - There is no obligation on residents within the community with regard to the above.
- The elderly residents may not have access to the internet and are unable to object leaving them voiceless and powerless.
  - The application has been publicised by a site notice and the postal address to write to, as well as where to view the plans included on the notice. The nearest neighbours were also sent notification letters containing these details. Residents have also been supported in their view by two Ward members and Stuart Andrew MP. Thus, representing their constituents' interests.
- Would result in the decrease of property values.
  - This is not a material planning matter.

### Inclusivity

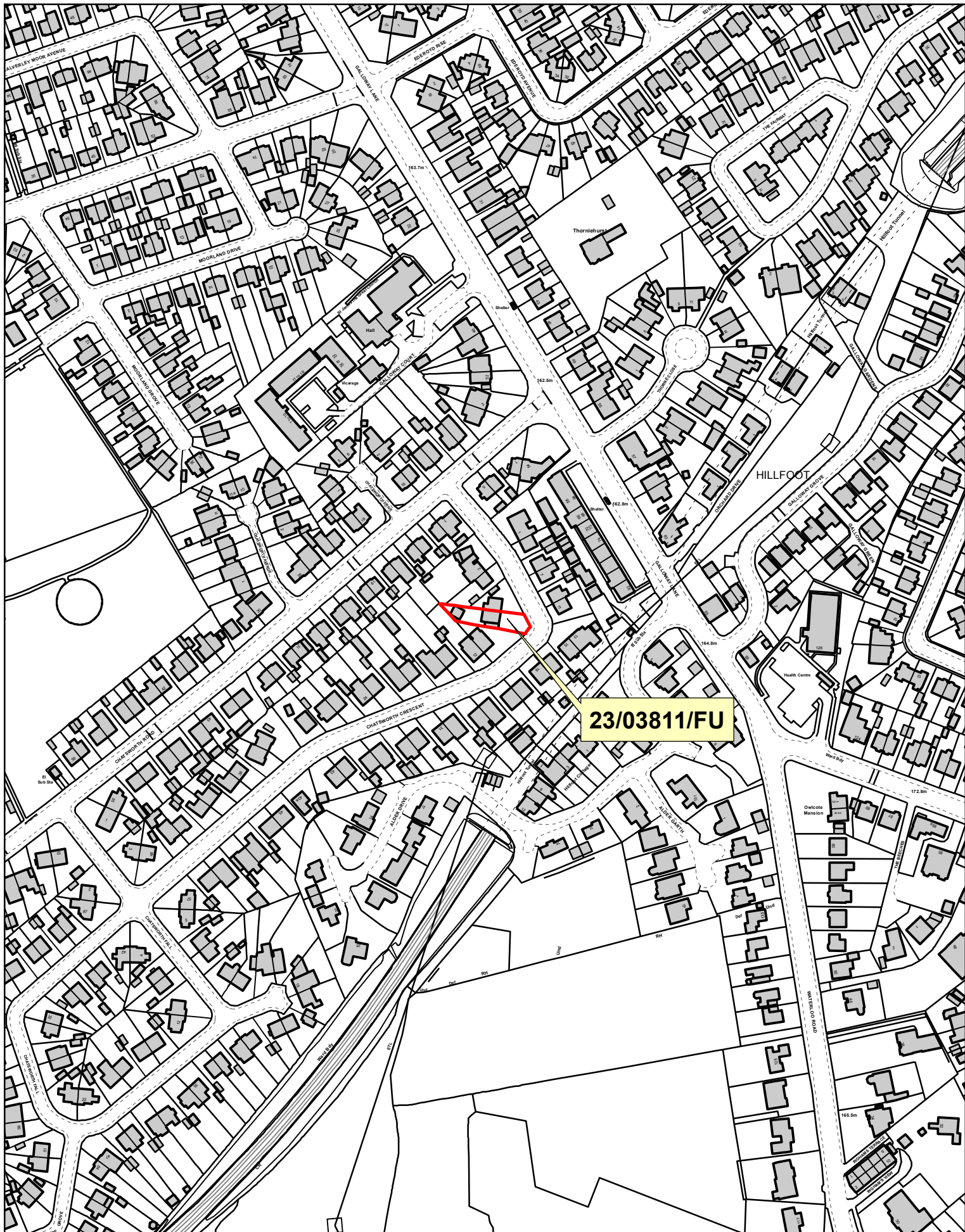
- 42 Local Planning Policy seeks to ensure developments proposals are accessible to all. This proposal is predominantly for a change of use with no external changes. It is noted that there are small steps up to the main entrance doors, however the providers will need to comply with any disability requirements as laid down by Ofsted and depending on the individual needs of the occupants. Should additional installations be required externally such as an access ramp then planning permission will be required. There would be adequate space within the site constraints to undertake any such work.

### **CONCLUSION**

- 43 The proposal is considered to comply with both national and adopted local planning policy in terms of establishing sustainable development. The application site would operate within a use that would attract occupation and levels of noise and disturbance from comings and goings, akin to those that could reasonably and likely occur if a family resided at this address.
- 44 The size of the building and its grounds provides suitable accommodation for three residents and the on-site staff. There is sufficient on-site parking for staff and visitors and the site is located within a sustainable location.
- 45 It is therefore recommended that this application is approved, subject to the suggested conditions set out at the head of this report.

### **Background Papers**

Application Files: 23/03811/FU



23/03811/FU

# SOUTH AND WEST PLANS PANEL

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SCALE : 1/2500











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# PLANS PANEL PRESENTATION

SCALE 1:5500

