



Leeds
CITY COUNCIL

Originator: Aaron Casey

Report of the Chief Planning Officer

South and West Plans Panel

Date: 4 July 2024

Subject: Application 24/02234/FU: Change of use of Existing C3 residential dwellinghouse to C2 (residential children's care home) at No. 9 Woodhall Park Crescent East, Pudsey, LS28 7HG

Applicant: Mr S Bains

Electoral Wards Affected:

Calverley & Farsley

Yes

Ward Members consulted: (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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 one child under the age of 18 years.
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 Carter who has set that they he is 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:
 - Generation of additional traffic
 - Concerns regarding the proliferation of children's homes within residential properties.
 - The proposal represents the loss of a residential property
 - Safeguarding concerns: Cllr Carter sets out that he has had correspondence with the Chief Executive, Chief Planning Officer and others about the monitoring, safeguarding and welfare of the young people who will be housed in these properties. In Cllr Carter's view there are not enough checks and balances to ensure adequate protection, and he believes that it is only a matter of time before this could lead to a major safeguarding issue. If this occurs, he will hold the Local Authority and the elected Members responsible to account. Cllr Carter further sets out that elected Members need to remember they not only have a duty as members of the Plans Panel, but also in local parents for the wellbeing of these young people and that Member have a duty of care to the residents in the area.

PROPOSAL

- 5 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 one child under the age of 18 years.
 - The home will be supported by 3 staff, 2 on a 24hr rota and a manager working Monday to Friday 09:00 until 18:00total working rota of 48 hours on and 48 hours off.
 - 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 provides space for 2 vehicles.

SITE AND SURROUNDINGS:

- 6 The application site comprises a semi-detached 3 bedroom semi-detached dwelling located at No. 9 Woodhall Park, Crescent East, Pudsey, LS28 7HG. There are gardens to the front and rear that include areas of hard-standing providing off-street parking.
- 7 The wider character of the area is residential with detached and semi-detached dwellings of single and two storey heights, ranging from approximate periods of construction throughout the 20th century.
- 8 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.
- 9 It is considered that given the wide range of existing amenities, existing highway infrastructure, good public transport routes and frequency in union with the well-established residential settlement, the site can be regarded as being within a sustainable location.

RELEVANT PLANNING HISTORY:

- 10 There is no history that is relevant to this application. However, the below case and appeal decision is set out for Members to highlight the position Officers are in with regard to resisting changes of use of dwellings for use as children's care facilities due to the size of the building and the extent of outdoor space within the plot.
- 11 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. 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.”

Member’s attention is drawn to the above as it is pertinent to the determination of this application now before Panel. It should also be noted that the Inspectors finds 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:

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

PUBLIC/LOCAL RESPONSE:

- 13 This application was advertised by 1 x site notice close to the site on the 29 April 2024. This application has attracted 15 letters of representation, split into 8 objections including representation from Councillor Andrew Carter, and 6 letters of support.

Ward Members

- 14 Councillor Carter has objected to the application for the reasons cited in Paragraph 1.

Other Public Response

- 15 The issues raised through the representations received from the local residents are summarised below:

Objections from local residents

- A care home of is an inappropriate use with the residential street.
- Increased levels of noise, disturbance, comings, and goings.
- Highway safety issues.
- Would result in an increased parking demand.
- Potential for greater occupancy.
- Would result in the decrease of property values.

Support

- This is a valuable initiative offering support and care.
- Will strengthen the community by fostering an environment where everyone can thrive.

CONSULTATION RESPONSES:

Highways

- 16 No objections and no concerns raised with regard highway safety or off-street parking provision. A condition has been recommended for the installation of one 32 amp electric vehicle charging point with the detached garage providing cycle storage opportunities and the existing bin storage remaining as existing.

Flood Risk Management

- 17 No objections

PLANNING POLICIES:

- 18 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.

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

National Planning Policy

- 19 The National Planning Policy Framework (NPPF). One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

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

CLIMATE EMERGENCY:

- 20 The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change.
- 21 The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
- 22 As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

PUBLIC SECTOR EQUALITY DUTY:

- 23 The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.

MAIN ISSUES

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

APPRAISAL

Principle of development

- 24 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.
- 25 The proposal seeks to change the use of No.9 Woodhall Park Crescent East from a family house within the Use Class C3 to a residential care home within the Use Class C2.
- 26 The proposed end use would be within a well-established urban area that sits close to existing amenities (shopping, medical and education) within the Pudsey area as well as links to Farsely Town Centre. 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. Moreover, the immediate area is well served by public transport routes to designated centres within Pudsey and other surrounding areas, as well as the Owlcotes Retail Park. Therefore, site is considered to be within a sustainable location.

- 27 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. This proposed use and the occupancy limits of one child under the age of 18 and the two/three members of staff that would be on-site at any one time, would in Officers view have a neutral impact on the use of the building, implications on local services as there could be a very similar, if not the same impact from a 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).
- 28 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

- 29 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 one resident 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.
- 30 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

- 31 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.
- 32 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 one resident and the on-site care team would be significantly greater than a family situation, and there is no evidence to suggest otherwise.

- 33 The care home would provide accommodation for one young person at a time. and until referrals are made it would not be clear to the Applicant exactly to what extent of care and supervision the individual 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.
- 34 It is a usual requirement that operators record and log any complaints made about a care home, and that the regulatory body (e.g., 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.
- 35 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 2 staff members, 24 hours a day and one manager working a day shift. 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.
- 36 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. The impact on the surrounding neighbours would in Officers view, not be unduly harmful. Moreover, conditions restricting resident numbers to no more than one resident and three members of staff (with no more than 3 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.
- 37 Officers are of the view that the scheme is compliant with Core Strategy Policy P10, saved UDP Policy GP5 and with the policy of the NPPF.

Highways

- 38 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. Whilst paragraph 115 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.

- 39 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. The existing residential dwelling has x3 bedrooms, and the proposed internal layout provides x1 staff bedroom and x1 child's bedroom. The Transport SPD, sets out that x1 car parking space is required for every 3 residents. The proposal would result in three staff on the site at any one time and with the reduction of bedrooms and Transport SPD guidance, Highways take the view that on balance the parking arrangements shown are acceptable.
- 40 Conditions have been suggested by Highways for details to be submitted and approved for an electric vehicle charging point, and these are recommended to be imposed. Cycle parking can be accommodated within the retained detached garage block and there would be no changes to the bin siting and storage.
- 41 Therefore, Highways have concluded that the proposal is 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

- 42 The proposal is a change of use and is therefore exempt from CIL under the Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013, and 2014)

Other issues - Representations

- 43 The points raised in representation have in the main been covered within the above report.
- 44 Matters raised regarding safeguarding issues would be dealt with through separate regulatory frameworks that would deal with these issues outside of planning legislation. Therefore, this is not considered to be material to the determination of this application. Comments raised regarding decrease of property values are noted but this is not a material planning matter and can be afforded no weight.

Inclusivity

- 45 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

- 46 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.
- 47 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.
- 48 It is therefore recommended that this application is approved, subject to the suggested conditions set out at the head of this report.

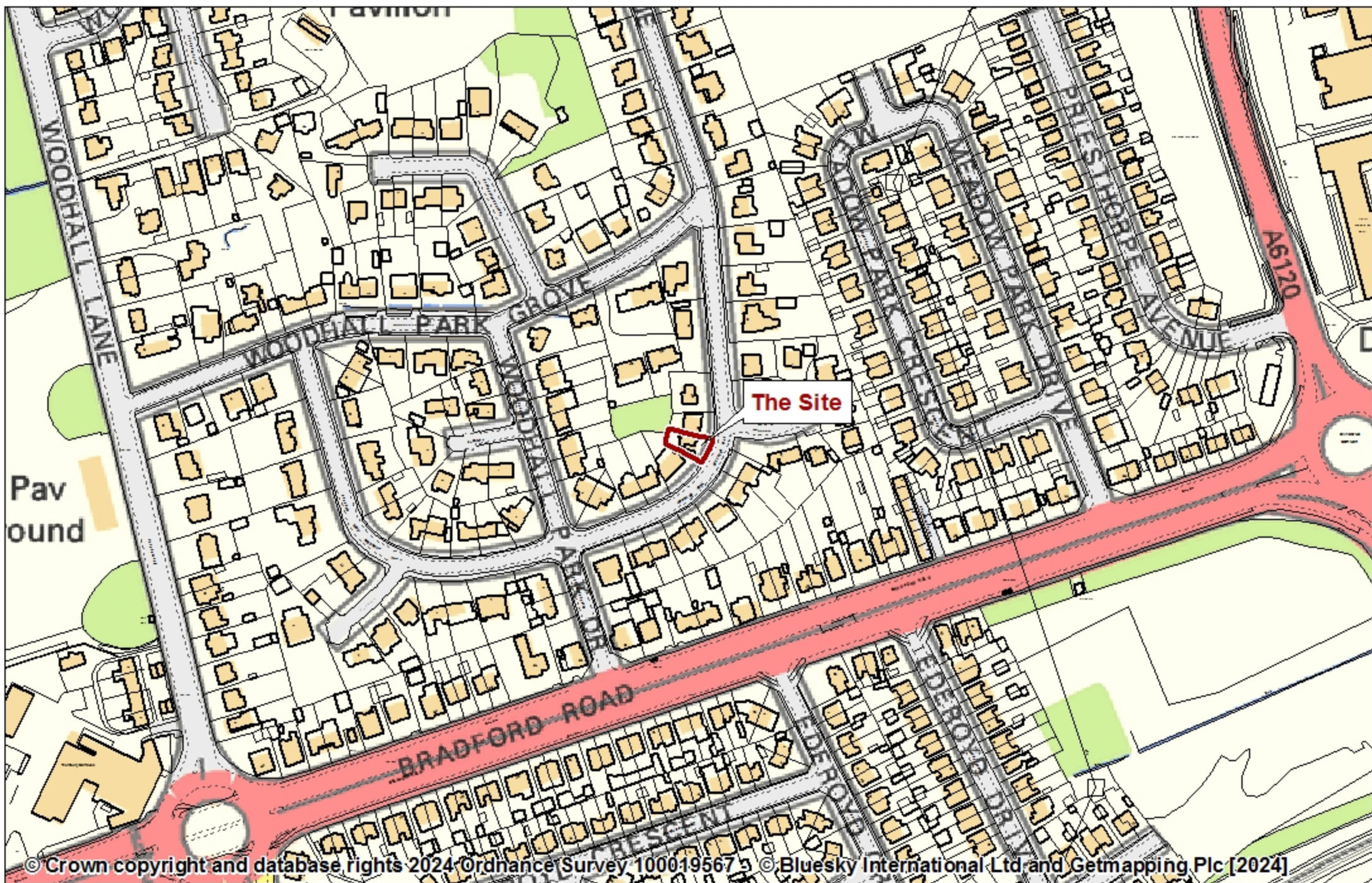
Background Papers

Application Files: 24/02234/FU



SOUTH AND WEST PLANS PANEL

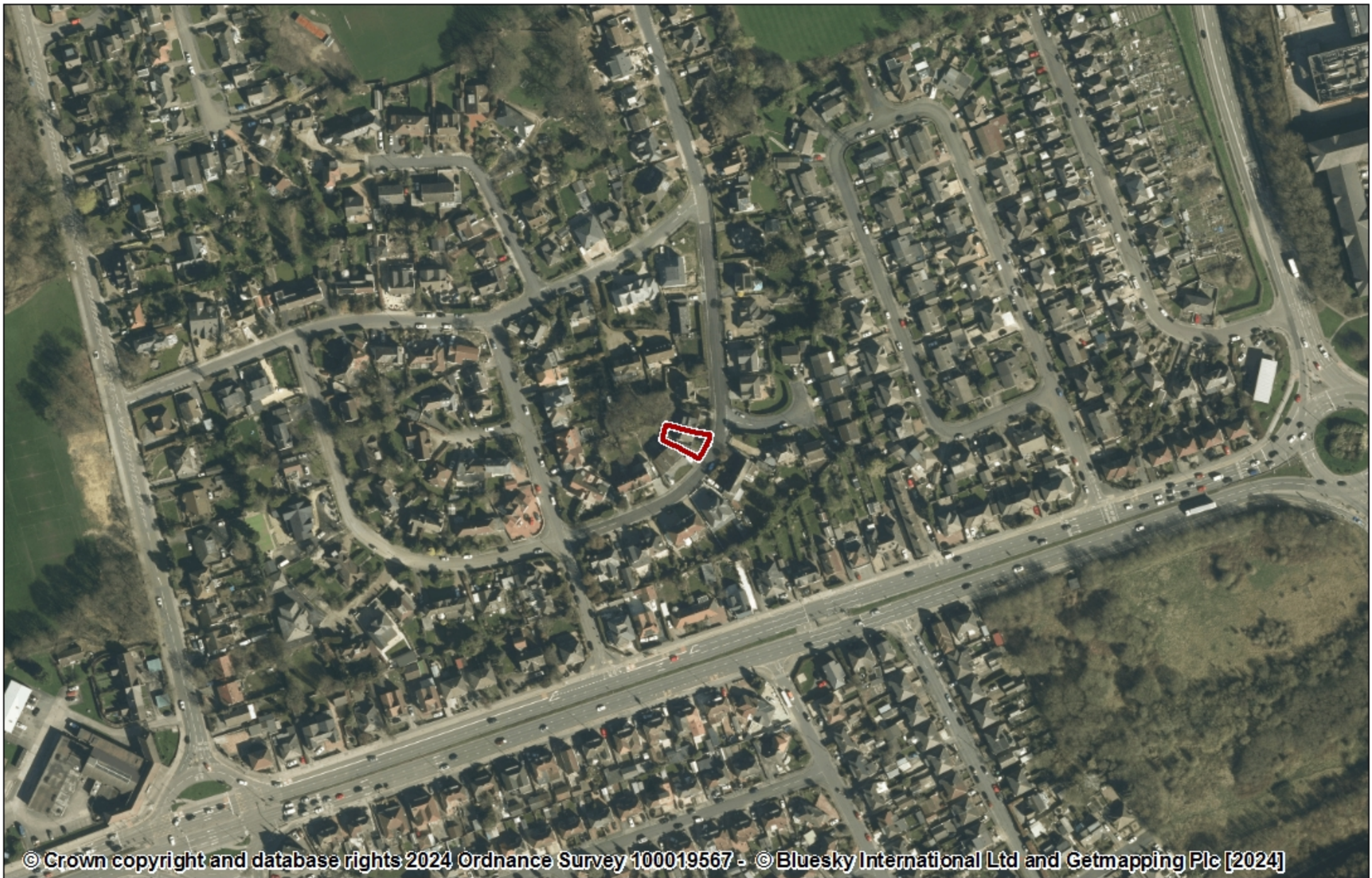




PLANS PANEL PRESENTATION

SCALE 1:2500





© Crown copyright and database rights 2024 Ordnance Survey 100019567 - © Bluesky International Ltd and Getmapping Plc [2024]

PLANS PANEL PRESENTATION

SCALE 1:2500

