



**Leeds**  
CITY COUNCIL

Originator: Aaron Casey

---

**Report of the Chief Planning Officer**

***South and West Plans Panel***

**Date: 28<sup>th</sup> November 2024**

**Subject: Application 24/03369/FU: Change of use from a C3 (Dwelling House) to a C2 (Residential Institution) as young person's supported accommodation at No. 16 Chilern Court, Rodley, Leeds, LS13 1PT**

**Applicant: Amethyst247support**

---

**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 three
4. Restrictions on number of resident staff on site at any one time to two (except for a 30 minute cross over period between shifts)

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.
7. Prior to first occupation a management plan shall be submitted to and approved in writing by the LPA that the occupants in care at the site shall be restricted from owning a car/vehicle for the full period of their occupancy at the site.

### **INTRODUCTION:**

- 1 At the 3 October 2024 Plans Panel meeting Members resolved to accept the Officer's recommendation to grant planning permission subject to recommended conditions but with the addition of a condition that required that prior to the first occupation of the development details of a means of pedestrian access/exit from the site directly onto Town Street to be submitted and approved by the LPA and that residents in care at the site would be restricted from owning a car/vehicle to be secured through a legal agreement (Section 106). This application is brought back to Plans Panel as the Applicant has challenged the necessity of imposing a condition for the access/exit onto Town Street and the mechanism of a Section 106 to secure residents in care do not have access to car/vehicle ownership.
- 2 The Applicant has stated in an email to Officers dated 11 November 2024 that the landlord of the property (*who has been correctly notified of the proposal by the correct Certificate B*) would not agree to any re-configuration to the property to access Town Street or any internal layout alterations that would be required to facilitate the provisions of the access/exit to the property through Town Street. The Applicant has re-iterated that they would only use their allocated parking space and that visitors to the property would be fully informed of the parking arrangements and that this would be marshalled through the operation of the care facility.
- 3 Furthermore, the Applicant has raised concern over the necessity of securing the residents in care to having no access to vehicle use and/or ownership. In their written response the Applicant sets out that such ownership or access to a car would not be realistic e.g., through financial constraints. The residents in care would have a budget which is allocated for food, transport (other than private vehicles) and activities. Officers are informed by the Applicant that they and the residents enter into a contract when the young people are placed in the Applicant's care and that since the 3 October 2024 Panel meeting this contract has been revised to include details that residents in care are not permitted to own/have access to a car whilst resident at the site. The Applicant also re-iterates that the care facility will have a pool car that is available to transport residents to attend any engagement/appointment that they may have and that they are a regulated service provider and are duty bound to abide by the regulatory bodies' rules.

- 4 In the interests of clarity this report sets out the relevant sections of the minutes from the 3 October 2024 meeting:

Applicant:

- There would be a pool car for staff, the looked after young people would not normally have access to cars.
- The young people would receive a social work visit approximately every six weeks.
- The young people in residence could be transported by pool car or could also use public transport.
- Residents of the property would not have access to the pool car.
- Visitors to the property would be made aware of parking arrangements.

Members:

- A condition or Section 106 agreement could be made that prevented car ownership by any residents of the property.
- There was no direct pedestrian access from the property to Town Street.
- Possibility of having a condition to allow pedestrian access from Town Street.
- Concern with the lack of car parking.
- There were car parking issues in the wider area but not just relating to this application.
- There was a need for this kind of accommodation for young people and the application should be supported.
- A motion proposed that the Officer recommendation be approved with additional conditions relating to car ownership and access to Town Street.
- A further motion was made to refuse the application due to the issues on car parking, traffic and other issues including the lack of consultation and access to Town Street. Both motions proposed were moved and seconded and upon voting.

- 5 It was resolved that planning permission be granted subject to the conditions outlined in the report, and the addition of a condition requiring a pedestrian access from Town Street to the property be opened up and a Section 106 agreement be undertaken preventing residents of the property from owning a car [*whilst in care and resident at the site*].

## **MAIN ISSUES**

- Are the imposition of the condition to require the provision of an additional external door and pedestrian route and the completion of a s106 to prevent resident car ownership necessary to make the development acceptable and do they pass the tests set out within the NPPF and NPPG.

## **APPRAISAL**

### The tests set out within the NPPF and NPPG for the imposition of planning conditions and obligations

- 6 Paragraph 55 of the NPPF set out that LPA's should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 011 of the NPPG also sets out that where planning objections can be overcome through the imposition of planning condition or obligation under Section 106 of the Town and Country Planning Act 1990 (TCPA), that in such cases LPA's should use a planning condition rather than seeking to deal with the issue through section 106 of the TCPA.
- 7 Paragraph 56 of the NPPF and paragraph 003 of the NPPG directs LPA's that planning conditions should be kept to a minimum and only imposed where they meet the below tests and paragraph 005 of the NPPG states that conditions that fail to meet one of the six tests should not be used.
  - a) Necessary,
  - b) Relevant to planning
  - c) Relevant to the development to be permitted,
  - d) Enforceable,
  - e) Precise
  - f) Reasonable in all other respects.

Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

- 8 Moreover, paragraph 009 of the NPPG states that conditions requiring works on land that is not controlled by the Applicant or that requires the consent or authorisation of another person often fail the tests of reasonableness and enforceability.
- 9 Paragraph 57 of the NPPF refers to the imposition of a planning obligations and sets out that Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and that Planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 10 Moving now to discuss if the condition for a pedestrian access onto Town Street passes the tests set out within the NPPF and NPPG. In this instance the land, structures and building are not within the Applicants ownership and as they have set out the site owner would not permit alterations to accommodate and provide the pedestrian route directly onto Town Street. This would need to involve the replacement of the existing door on the northern elevation and removal of a section of the boundary wall and steps to navigate the difference in levels between the site and the footway onto Town Street. Therefore, paragraph 009 is engaged and in Officers view such works to provide this pedestrian route fails the tests of reasonableness. Such a route would not be required if the site stayed within use as a family home within Use Class C3 of the Use Classes Order (UCO) and the proposed residency limits and staff capacity are not above and beyond what could occur if the site remained as a family home where no such route onto Town Street would be reasonably required. The travel time taken for residents and staff to navigate the cul-de-sac onto Town Street to access public transport or the services and amenities along it or close to it, is no different than if the site did not change use as proposed. It is Officers view that the change of use proposal is acceptable in planning terms without the requirement to create a pedestrian route to the rear onto Town Street and therefore there is no demonstrable necessity for the condition and this in union with the considered failure to meet the tests of reasonableness that the condition fails the tests set out within the NPPF and the NPPG.
- 11 This report now focuses on the request for the Applicant to enter into a Section 106 agreement to restrict and regulate car/vehicle ownership and access to a vehicle for residents whilst they are in care at this site.

- 12 As set out above, the NPPF and NPPG make it clear that where a planning condition can perform regulation then it should be used rather than a planning obligation. Notwithstanding the Applicants statement that residents would not have the financial capacity to fund a private vehicle and that the contract of care between them and a resident and the duty to abide by regulatory rules, the matter of private vehicle ownership could be secured through a planning condition that requires the submission of a management plan of the use and operation of the site that includes the restrictions on private vehicle and parking by residents in care whilst at the site. This approach is in line with the policy of the NPPF and the guidance contained within the NPPG.

## **CONCLUSION**

- 13 As set out within the Officer report to Panel on the 3 October, the change of use is compliant with both national and adopted local planning policy in terms of establishing sustainable development. It is Officers view that the proposed condition requiring a pedestrian route directly to Town Street fails the tests set out within the NPPF and NPPG and that regulation of vehicle ownership/access whilst in care at the site can be secured through a planning condition requiring the submission and written approval of a Management Plan.

## **Background Papers**

Application Files: 24/03369/FU

# Appendix 1



Originator: Aaron Casey

**Report of the Chief Planning Officer**

***South and West Plans Panel***

**Date: 3 October 2024**

**Subject: Application 24/03369/FU: Change of use from a C3 (Dwelling House) to a C2 (Residential Institution) as young person's supported accommodation at No. 16 Chilern Court, Rodley, Leeds, LS13 1PT**

**Applicant: Amethyst247support**

**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 three
4. Restrictions on number of resident staff on site at any one time to two (except for a 30 minute cross over period between shifts)
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 out the below reasons:

- Staff and visitors to the property are likely to increase traffic in an already congested cul de sac.
- Extra pressure on parking, making the cul de sac less safe for both residents and the young people themselves.
- There has been a proliferation of this type of application to change residential properties into what are essentially commercial businesses, with a subsequent loss of residential properties.
- Property type unsuitable for use, e.g., insufficient outdoor area, and extremely close to other properties, therefore unsuitable for the young people themselves and detrimental to the amenities of local residents.

### **PROPOSAL**

2 The proposal is for the change of use of a dwelling house within the Use Class C3 to a young person's supported accommodation within Use Class C2.

- This home will be for three young people aged between 16 and 25 years of age. The Applicant has confirmed that the age range of residents would be arranged on compatibility e.g., three 16 years old residents rather than having a younger resident with the upper age range.
- The facility will be supported by 2 members of staff at any one time, with staff working on a rota basis:
  - Morning shift: 07:30 hrs until 20:00 hrs.
  - Night shift: 20:00 hrs until 08:00 hrs



- The above suggest that there would be 30 minutes in the morning where staffing rotas cross over.
- 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 equates to one surface parking space and this would be utilised by the proposed use.
- Residents of legal driving age would not have access to car use.
- Visitations by relevant professionals and family would be planned and arranged. The family visits would be arranged for one residents at a time and the Applicant has advised that in their experience family visits result in residents and their families going out from the facility rather than spending the visitation time on site.
- The residents will be in full time education, employment or training.
- The Applicant advises that they will be registering the facility with OFSTED.

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

- 3 The application site comprises a semi-detached 5 bedroom semi-detached dwelling located at No. 16 Chiltern Court, Rodley, Leeds, LS13 1PT. Rodley is identified as being identified as being within the Main Urban Area within Map 3 (Settlement Hierarchy ) and Table 1 (Identification of Settlement Types) of the Core Strategy.
- 4 No.16 is a 5 bedrooled semi-detached house set within a relatively small rectangular plot. A private amenity area is located to the front of the house with a shallow area of garden to the rear facing Town Street, but this is generally open to public view and represents a landscape area rather than any meaningful amenity space. The parking space is divorced from the house and immediate plot and located to the front of No.16. Access to No.16 is down steps to the front as the building is set lower than street-level.
- 5 Chiltern Court is a cul-de-sac of three storey dwellings laid out in terraced and semi-detached formation to the eastern side of the cul-de-sac with a wooden area of mature and well-established trees to the western side. Chiltern Court is accessed from the eastern side of Bagley Lane. The houses have integral

garages at ground floor with staircases leading to the first floors and front doors. 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 19<sup>th</sup> and 20<sup>th</sup> centuries. There are also a range of services, hospitality and commercial offers along Town Street as well as the waterways to the north of Chiltern Court.

- 6 The site is located close to existing designated centres in Pudsey and Fardsley as well as the Owlcotes retail park and access to these areas can be achieved along the existing highway infrastructure. It is considered that given the wide range of existing amenities, existing highway infrastructure, public transport routes in union with the well-established residential settlement within the main urban area, the site can be regarded as being within a sustainable location.

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

- 7 24/02006/CLP: Certificate of Proposed Lawful Development for Use as a house for semi-independent supported living: The certificate was not issued as the LPA are of the view that the use represents a change of use to Use Class C2.
- 8 Members attention is drawn to the following appeal decision for change of use from C3 to C2 and highlights the position Officers are in regarding the resistance of change of use of dwellings for care facilities due to the size of the building and the extent of outdoor space with the plot:
9. 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:**

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

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

- 11 This application was advertised by 1 x site notice close to the site on the 5 July 2024. This application has attracted 12 letters of representation including representation from Councillor Andrew Carter.

#### Ward Members

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

#### Other Public Response

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

## Objections from local residents

- The facility is an inappropriate use with the residential street.
- Increased levels of noise, disturbance, comings, and goings.
- Increase in anti-social behavior and crime.
- Welfare and safety concerns of residents close to roads, waterways and public houses.
- Highway safety issues.
- LCC Refuse vehicles no longer access Chiltern Court due to space restrictions from on-street parking.
- There are no footpaths on Chiltern Court and the use may exacerbate vehicle and pedestrian conflicts.
- Would result in an increased parking demand.
- Added parking pressures when staffing change over occur twice a day for 30 minutes at a time.
- The development does not include Electric Vehicle Charging points or disabled parking.
- The use has the characteristic of a House in Multiple Occupation (HMO) and fails the tests of adopted Core Strategy policy H6<sup>1</sup>
- Would result in the loss of a family home.
- How would the risks of conflicts and absconding be managed?
- The stepped access to the property and the number of floors within the building mean that it is not accessible to all.
- There is little outdoor space to serve the use and its residents.
- Any modification that require planning permission would be constrained by the sites Conservation Area Location.
- Inaccurate details on the application form.
- No Certificate B has been issued<sup>2</sup>
- No neighbour notification letters were issued nor was a site notice placed.
- The property has restrictive covenants.
- There has been no community engagement.
- Potential increase in bins exacerbating the existing issues of on-street storage on collection days.
- Drainage implications.
- The proposed use would have a direct impact on a vulnerable, elderly neighbour through impacts of noise and any anti-social behavior.

---

<sup>1</sup> Policy H6 refers to houses in multiple occupation, student accommodation and flat conversions

<sup>2</sup> Certificate B should be issued by Applicants if there is shared ownership (All other owners/agricultural Tenants known) This should be completed if the Applicant is not the sole owner, or if there are agricultural tenants, and the Applicant knows the names and addresses of all the other owners and/or agricultural tenants.

## **CONSULTATION RESPONSES:**

### Highways

- 14 No objections and no concerns raised with regard highway safety and that the dedicated parking space was in accordance with adopted guidance within the Transport SPD. .

## **PLANNING POLICIES:**

- 15 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

- 16 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:**

- 16 The Council declared a climate emergency on the 27<sup>th</sup> March 2019 in response to the UN's report on Climate Change.
- 17 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.
- 18 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:**

- 19 Through the application process, the Local Planning Authority (LPA) have been made aware of some particular circumstances and sensitive issues, where it is necessary to have regard to the Equality Act (2010). The Equality Act 2010 defines discrimination under the law as unfair treatment because of what it terms 'protected characteristics'. As a decision maker, LPA's have a duty under the Equality Act 2010 to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations. In particular, the Public Sector Equality Duty states that public body must, in the exercise of its functions, have due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
  3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In accordance with (1 and 2) above, a public body must also have due regard to the need to advance equality of opportunity persons who share a relevant

protected characteristic and persons who do not share. This involves having due regard, in particular, to the need to:

1. Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
2. Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
3. Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Based on information received, this application raises matters of Protected Characteristics which must be considered by the Local Authority in its capacity as LPA, in discharging its Public Sector Equality Duty. In taking the information received into account, having regard to the Equality Act 2010 in the assessment of this particular application. Consequently, due regard has been given to the impact of the application on a nearby resident who shares a protected characteristic. Confidential and sensitive information has been considered and assessed and will be disclosed as part of the Confidential Equality Impact Assessment (EIA). The matter relevant refers to the final bullet point within paragraph 13.

## **MAIN ISSUES**

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

## **APPRAISAL**

### Principle of development

- 20 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.

- 21 The proposal seeks to change the use of No. 16 Chiltern Court, Rodley, Leeds, LS13 1PT from a family house within the Use Class C3 to young person's supported accommodation within the Use Class C2.
- 22 The proposed end use would be within a well-established urban area that sits close to existing amenities (shopping, medical and education) within the immediate and wider areas of Pudsey and Farsley. 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 supported accommodation facility for young people 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.
- 23 Officer take the view that the end use 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 this five bedroom dwelling. This proposed use and the occupancy limits of three young people and the care and managerial staffing numbers that would be on-site at any one time, would have a neutral impact on the use of the building and 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 facility offering independent living support 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).
- 24 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

- 25 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 or 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. Any internal alterations (e.g., *fire doors*) can be undertaken without the need for planning permission and any external alterations that may be required in future to meet the needs of residents (e.g., *ramps*) would need to pass the tests of planning policy through applying for planning permission.
- 26 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

- 27 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.
- 28 The building is semi-detached with the access areas to the front that 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.
- 29 The care home would provide accommodation for three compatibly aged young people 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 individuals will need. Nevertheless, this is a facility with a duty of care and one that will be subject to assessment by a regulatory body.
- 30 It is a usual requirement that operators record and log any complaints made 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.
- 31 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 at any one time, 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.
- 32 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 and staffing numbers will ensure that the site would not be overly intensified beyond the limits of the property if it remained a family home. In respect of future residents, the levels of outdoor space would be the same if a family occupied the house and the C3 use remained. There is no policy requirement for a C2 use to provide more outdoor space than for a C3 use. Members attention is drawn to an Inspectors findings that is set out in paragraph 9 of this report.

- 33 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

- 34 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.
- 35 As part of this application a technical view was sought from Highways who have indicated that the site is within an accessible location with a bus stop adjacent to the site access (stop ID: 45024096) with a service of around 1 bus an hour to Keighley. There is also a bus stop around 180m from the site on Town Street (stop ID: 45012600) with a frequent service to Leeds Bus Station / White Rose Centre with around six buses in peak time. Highways also note that refuse vehicles do not currently access Chiltern Court and residents take their bins to the junction bell mouth.
- 36 In respect of parking facilities - the existing residential dwelling has five bedrooms, and the proposal would not change this. Staff shifts will be rotating with the morning shift from 07:30 until 20:00 and the night shift from 20:00 until 08:00 with two care staff on each shift with the addition of a site manager through the day shift. The adopted Transport SPD sets out that in response to C2 uses, parking provision is one space per three residents. Therefore, as the proposed use would not exceed the limit of three potential car users, namely the two staff and manager as the three resident young people would not have access to their own vehicles. However, the ratio of 3:1 also responds to the number of residents i.e., the resident capacity. Therefore, the parking provision of one space meets with the guidance within the adopted SPD and Highways have provided a view that No road safety concerns would arise from the proposed use. Members attention is also drawn to the likely scenarios that if No.16 was to remain in C3 use as a five bedroomed family home then unregulated use would be in place where two car ownership may occur perhaps more if children are of driving age. Moreover, visitations would still occur that attracted vehicular activity and the

need to park for varying periods of time and on an *ad hoc* and unknown pattern (e.g. family, deliveries, maintenance, medical etc)

37 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

38 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

40 The points raised in representation have in the main been covered within the above report. The remaining points are responded to below:

- Increase in anti-social behavior and crime.
  - There is no evidence provided to substantiate that the future residents would partake in or add to levels of anti-social behavior or crime and no weight can be attributed to this assertion.
- The development does not include Electric Vehicle Charging points or disabled parking.
  - The scale of the development and limitations of the end use have not attracted the need to provide for a disabled parking space. Whilst Highways have not requested the provision of an Electric Vehicle Charging Point Core Strategy EN8 sets out that new development which include provision of parking spaces will be required to meet the minimum standard of provision of electric vehicle charging points. This requires that residential uses should provide one 1 charging point per parking space. A condition is recommended to secure this provision.
- The use has the characteristic of a House in Multiple Occupation (HMO) and fails the tests of adopted Core Strategy policy H6.
  - Whilst the shared communal areas and bathroom can be mirrored in a HMO situation, the proposed use is fundamentally different and Policy H6 is not relevant. The Town and Country (Use Class Order) 1987 (as amended) sets HMOs within their own Use Class of C4 and had the Government and whilst some characteristics can be aligned between C2

and C4 there are within different use classes and are specifically set out as so within the use class order.

- Inaccurate details on the application form.
  - The submitted plans and statements regarding the building and its proposed operational use have been precise enough in planning terms to assess the application before Members and for Officers to arrive at the recommendation presented.
- No Certificate B has been issued.
  - This matter was raised with the Applicant and notice was served on the relevant resident through the submission of Certificate B.
- No neighbour notification letters were issued nor was a site notice placed.
  - No neighbour notifications were issued but a site notice was placed near the turning head of Chiltern Court on the 5 July 2024. This was done in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) 2015 which sets out that an application for planning permission must be publicised by the local planning authority to which the application is made in the manner prescribed by this article. In paragraph 2 of Article 15 it sets out that an application must be publicised by a site display in at least one place on or near the land to which the application relates for not less than 21 days.
- The property has restrictive covenants.
  - This is not material to the determination of the planning merits of this application.
- There has been no community engagement.
  - The LPA has no powers to request that the Applicant shall engage with residents or the wider community.
- Potential increase in bins exacerbating the existing issues of on-street storage on collection days.
  - There is no indication that the existing level of bins would be increased. The use would remain a residential function albeit with an element of support and care. The occupancy levels and operational use do not

suggest to Officers that the levels of waste or bin numbers would be more than would be expected if the property remain in C3 use. Therefore it is not considered that there would be any exacerbation on the bin storage methods that residents on Chiltern Court employ on collection days, namely taking their bins to a collection point as refuse vehicles no longer enter the cul-de-sac.

- Drainage implications.
  - There are no concerns that the occupancy level or operational use of the building would place any greater pressure on the drainage capacity of the building or wider drainage infrastructure.
  
- Safeguarding and welfare.
  - The above matters 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.

#### Inclusivity

41 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 steps 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

#### **CONCLUSION**

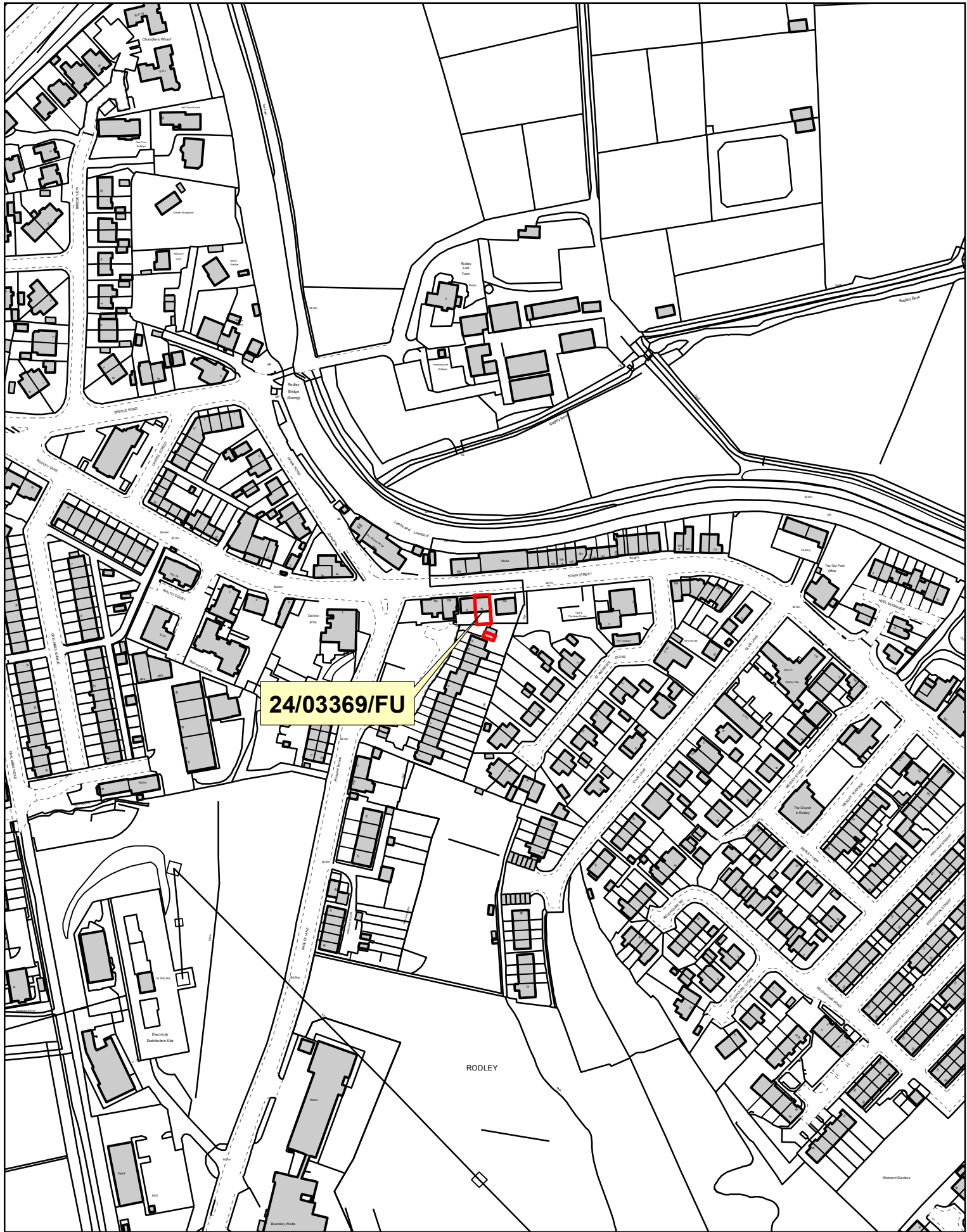
42 The proposal is considered to comply with both national and adopted local planning policy in terms of establishing sustainable development. The application site would operate within a use that would attract occupation and levels of noise and disturbance from comings and goings, akin to those that could reasonably and likely occur if a family resided at this five bedroomed property.

43 The size of the building and its grounds provides suitable accommodation for three residents and the on-site staff and Highways have concluded that the parking provision is in accordance with the Councils adopted guidance. Moreover, the site is considered to fall within a sustainable location.

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

## **Background Papers**

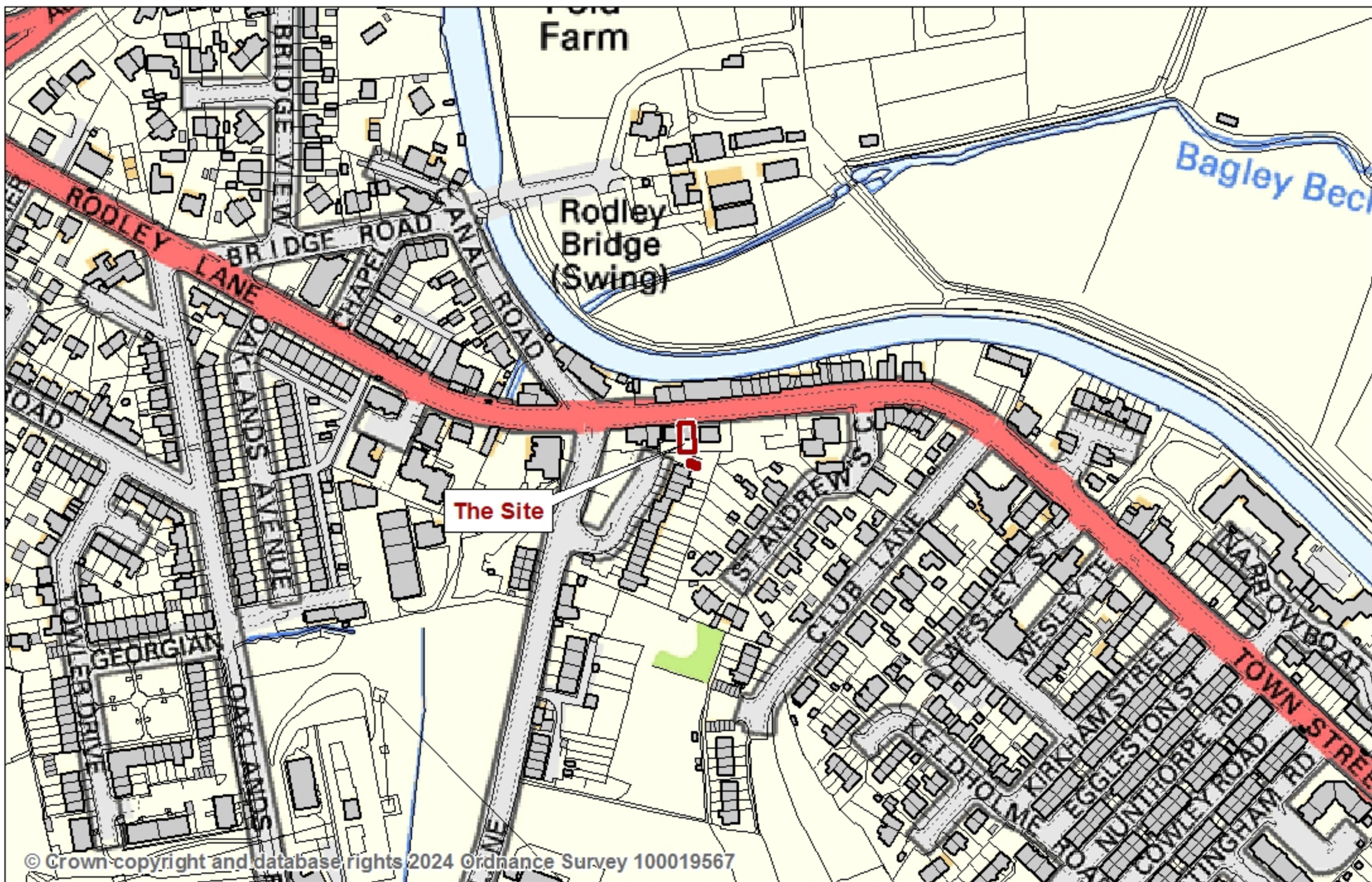
Application Files: 24/03369/FU



# SOUTH AND WEST PLANS PANEL







© Crown-copyright and database rights 2024 Ordnance Survey 100019567

# 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

