



## Report of the Chief Planning Officer

### PLANS PANEL SOUTH AND WEST

Date: 21<sup>st</sup> February 2019

Subject: **Application 18/07001/FU**– Planning application for a change of use of dwelling house (C3) to residential home (C2) - **36 Woodhall Lane, Leeds, LS28 7TT**

#### APPLICANT

Nestlings Care Ltd

#### DATE VALID

28 November 2018

#### TARGET DATE

23 January 2019

#### Electoral Wards Affected:

Calverley & Farsley

Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

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

#### Conditions

1. Time limit – 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.

#### 1.0 INTRODUCTION:

- 1.1 The application is brought to Plans Panel at the request of Cllr Amanda Carter for reasons of the potential for increased levels of noise and disturbance that would occur on the immediate neighbours.

- 1.2 The Applicant, Nestlings Care Ltd, presently run a number of other care homes across the North-West of the country. These care homes accommodate young people who have a varying range of conditions (e.g. Autism, Asperger's Syndrome, Post-traumatic stress disorder and trauma) who require rehabilitation following discharge from hospital so that they can return to family homes or live independently. The Applicant advises that given the specialist nature of placements, the young people are intensively supported to enable them to gain valuable day to day living skills in the community.
- 1.3 The Agent has indicated that no more than three young people living as a household (undertaking joint activities, sharing amenities and learning social and interpersonal skills) would reside at the property. The supporting documentation indicates that those in full time education would attend local schools.

## **2.0 PROPOSAL**

- 2.1 The proposal is for the change of use of a dwelling house within the Use Class C3 (b) to a residential home within Use Class C2.
- This home will be for three young people aged 16-25 years of age.
  - The home will be supported by 2-3 staff 24 hours a day. The rota hours each day are 8am to 10pm so the movement of staff will be at or around these times. It would be usual that there will be one staff member staying in the house to sleep over and another staff member doing a waking night on duty to meet any needs through that time. Staff sleeping on site are required to wake and attend to anything of a more serious nature. There will be a dedicated staff area for sleeping.
  - The residential staff will be supported by a Mental Health Team which would usually visit once a week. Parents would be welcome to visit young people but this can be sporadic depending on the young person placed in the household, but this would always be at sociable hours of the day.
  - Social workers usually visit once every 6 weeks.
  - Those residents of school or higher education age would travel to their respective place of study by utilising a house car, public transport or walk if that was applicable.
  - No changes to be made to the structure of the building externally or internally.
  - The existing off-street parking facilities to the sites driveway at the front and side would be utilised. This provides space for approximately four vehicles.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site comprises a large detached dwelling set within a sizeable plot with a single storey detached outbuilding located to the southern boundary. The dwelling is two storeys in height with a single storey extension to the rear. Mature gardens provide good levels of private amenity space to the rear with the front boundary having two punctuations to allow access from Woodhall Lane; the drive can accommodate several vehicles.

- 3.2 The site is accessed from the main road and opposite the site is an expanse of public open space with neighbouring residential properties to the flanks and rear. A short ginnel runs to the right-hand side of the site, leading from Woodhall Lane to Woodhall Close.
- 3.3 The wider character of the area is residential with detached dwellings sitting within medium to large plots. There are good amenities relatively close to Woodhall Lane i.e. Thornbury to the west (approx. 1km) and the Pudsey Owlcotes Centre to the east (approx. 1.5km), as well as public transport routes; it is considered that given the existing amenities and the established residential settlement the site can be regarded as being within a sustainable location.

#### 4.0 RELEVANT PLANNING HISTORY:

- 4.1 18/04989/CLP - Certificate of Proposed Lawful Development for Use of the property as a Residential Home (Use Class 3(b)). This was refused as Officers were of the view that a material change of use would occur as the proposed use as a care home where staff operate on a rota basis would fall within C2 of the Use Classes Order.
- 4.2 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.

## **5.0 HISTORY OF NEGOTIATIONS:**

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

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

6.1 This application was advertised by site notice posted on the 21 December 2018 and five neighbour notification letter issued on the 29 November 2018. These have attracted 14 letters of objection including one from Cllr Amanda Carter.

### Ward Members.

6.2 Councillor Amanda Carter has objected to the application for the reasons cited in Paragraph 1.1

### Other public response

6.3 The points raised by local residents are summarised below:

- Lack of parking and highway safety.
- Safety issues to the local occupants and visitors due to the nature of the care homes residents mental health issues.
- Impact of property values
- Not an appropriate use within a residential area
- The level of footfall past the site would be problematic to the care homes residents
- Any additional security measure (fencing and lighting) would not be in keeping with the character of the area.
- No local amenities close to the site to serve the proposed operation.
- Increase in noise and disturbance.
- Other care homes within the vicinity

## **7.0 CONSULTATION RESPONSES:**

### Highways

7.1 No objections

## **8.0 PLANNING POLICIES:**

8.1 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.

## Development Plan

- 8.2 The development plan for Leeds is made up of the a Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) 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 are:

GENERAL POLICY – Presumption in favour of sustainable development  
SP1 – 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 are:

GP5 – General planning considerations

## Draft Site Allocations Plan

- 8.3 The Plan is at a highly advanced stage, close to adoption and carries significant weight and therefore is a significant material consideration in the determination of planning applications (NPPF 2018 para 49) and assessing of pre-applications.

Policies which are not subject of modification can be given even more weight than those subject of modification, as the Inspector has considered them and any outstanding objections and determined that they do not need to be modified. Once adopted, the SAP carries full weight in the determination of planning applications.

## Supplementary Planning Guidance and Documents

- 8.4 The following SPGs and SPDs are relevant:

SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds  
Street Design Guide SPD  
Parking SPD

## National Planning Policy

- 8.5 The National Planning Policy Framework (NPPF), was revised in July 2018. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

- 8.6 Relevant sections are considered to be most relevant:

Section 2 – Achieving sustainable development  
Section 8 – Promoting healthy and safe communities  
Section 9 – Promoting sustainable transport

## **9.0 MAIN ISSUES**

1. Principle of development
2. Character and Appearance
3. Impact on residential amenity
4. Highways
5. CIL
6. Other issues

## 10.0 APPRAISAL

### Principle of development

- 10.1 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.
- 10.2 The proposal seeks to change the use of No.36 Woodhall Lane from a family house within the Use Class C3 to a residential care home within the Use Class C2.
- 10.3 The proposed end use would be within a well-established urban area that sits relatively close to existing amenities in Thornbury and Pudsey. The travel times to these shopping and service area 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 Woodhall Lane or the nearby streets. Moreover, the immediate area is well served by public transport routes to Bradford, Pudsey and into Leeds Centre. Therefore site is considered to be within a sustainable location.
- 10.4 The Applicant asserts that the use would seek to function as a family environment with residents living as a household (undertaking joint activities, sharing amenities and learning social and interpersonal skills). The aim is for the residents to be empowered to gain skills for independent living or to enable them to return to their family home. 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 three residents subject to the on-site care would in Officers view have a neutral impact on the 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 carers would work there rather than it being their home).
- 10.5 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

- 10.6 There are no physical changes proposed as part of this application to the building or 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 visiting support specialists would change the residential character of the site or over-intensify it beyond what could reasonably be expected if this detached dwelling set within a sizeable plot remained in family use.
- 10.7 The scheme is considered to be compliant with the aims of the strands of Core Strategy Policy P10 that refers to character and context (the amenity strands of P10 are dealt with below), saved UDP Policy GP5 and the advice contained within the NPPF.

### Impact on residential amenity

- 10.8 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.
- 10.9 The care home would provide temporary accommodation for young people with a variety of issues and until referrals are made it is not clear 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.
- 10.10 The Applicants website provides a list of potential referrals (e.g. Autism, a variety of disorders, trauma and stress, depression, psychotic illness. This is not an exhaustive list).
- 10.11 The building is detached and separated from its neighbours by a rear garden, Driveway and a public footpath. On the opposite side of Woodhall Lane is public space and woodland. 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 specialist carers that will be on site. It is not considered that the end users would be any more noisy or disruptive than if the residents of the property was a large family. 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.
- 10.12 It would be a requirement that operators record and log any complaints made about a care home and that the regulatory body 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.
- 10.13 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 2-3 staff, 24 hours a day, working on a rota basis. Rota hours each day would be 8am to 10pm resulting in the movement of staff around those times with some cross over. It would be usual that there will be one staff member staying in the house to sleep over and another staff member on duty through the night to meet any needs through that time. Staff sleeping on site are required to wake and attend to anything of a more serious nature. As with a family home visits and activity could occur at similar times and at a similar level of vehicles and visitors.
- 10.14 The residential staff would also be supported by a Mental Health Team which would usually visit once a week. Social workers usually visit once every 6 weeks. Care and support could very reasonably occur to a family home (e.g. a nurse, doctors etc.)
- 10.15 In light of the above, Officers acknowledge that many attributes of family life would 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 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 is not considered therefore to be unduly harmful. Moreover, conditions restricting

resident numbers to no more than three and the staffing levels will ensure that the site would not be overly intensified.

- 10.16 Officers are of the view that the scheme is compliant with Core Strategy Policy P10, saved UDP Policy GP5 and with the advice set out in the NPPF.

#### Highways

- 10.17 As part of this application a technical view was sought from Highways.
- 10.18 Highways confirm that given the proposed use, the three residents and a total of 6 staff members at the site employed to provide 24 hour care on a rota basis with 2 -3 staff on-site at any one time that the traffic generation and parking demands would be similar to that of the existing large family dwelling. There is good off-street parking provision to accommodate four vehicles. 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 advice set out in the NPPF.

#### CIL

- 10.19 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

- 10.20 The points raised in representation have been covered within the above report. Within the concerns raised through representation with regard to public safety; there is no evidence to suggest that the young people placed at the site will present a safety issue and that other care facilities operate within the area is not basis for withholding planning permission; each case must be assessed on its merits.
- 10.21 The wider area has facilities for children and young people within reasonable distance from the site, akin to most other residential areas. The proposed end use will have access to specialist resources, and support would be available via the operator of the care home.
- 10.22 Impact on property values were also raised within representation, but this is not material to the determination of this application.

### **11.0 CONCLUSION**

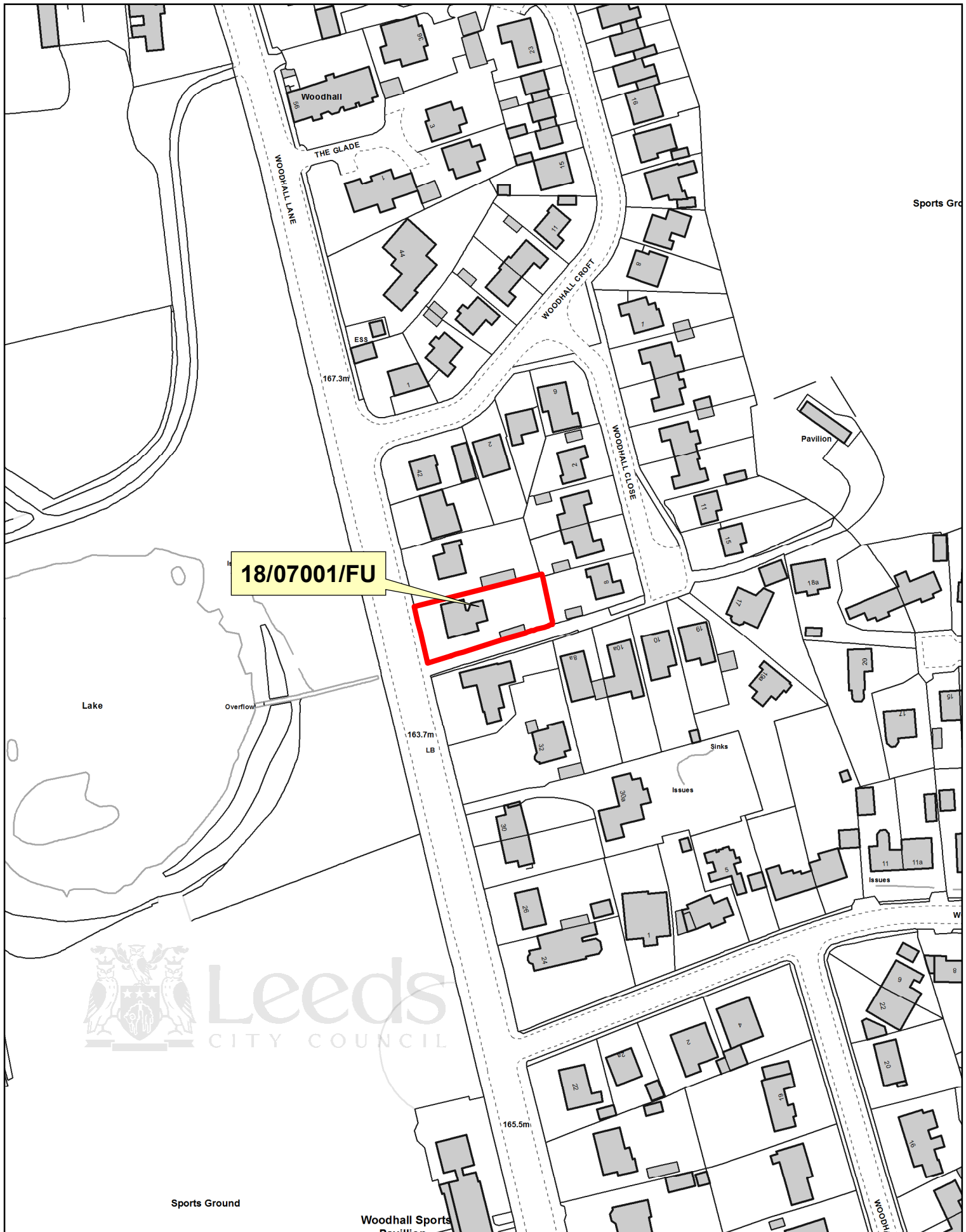
- 11.1 The proposal is considered to comply with both national and local planning policy. The application site will remain utilised in terms of occupation levels and levels of noise and disturbance from comings and goings are akin to those that could reasonably occur if a large/extended family resided at this address.
- 11.2 The size of the building and its grounds provides suitable accommodation for three residents and the on-site residential staff. There is sufficient on-site parking for staff and visitors and the site is located within a sustainable location.



- 11.3 The care home would not be providing education to its residents and those within education would have to be collected and dropped of daily, but that would be no more than if this site remained in family use, even if that means transport to three different educational facilities.
- 11.4 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:



**18/07001/FU**



# SOUTH AND WEST PLANS PANEL

© Crown copyright and database rights 2019 Ordnance Survey 100019567

PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500





Ordnance Survey © Crown Copyright 2018. All rights reserved.  
 Licence number 100022432. Plotted Scale - 1:1250