



Appeal Decision

Site visit made on 17 September 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2024

Appeal Ref: APP/W4705/W/24/3343999

Bentleigh, Harold Street, Bingley, Bradford BD16 2RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Nahzea Hussain against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/00438/FUL.
 - The development proposed is Class of Use for C2- the property is intended to be used for supported living for young people aged 10-18.
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Decision

1. The appeal is allowed and planning permission is granted for Class of Use for C2- the property is intended to be used for supported living for young people aged 10-18 at Bentleigh, Harold Street, Bradford BD16 2RP in accordance with the terms of the application, Ref 24/00438/FUL, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing titled 'Bentleigh, Harold Street, Bingley, West Yorkshire, BD16 2RP, Total Area:136.5m2...1469ft2, these are existing plans as of 05.03.2024'.

Preliminary Matters

2. The change of use to Class C2, supported living for young people aged 10-18 has been completed and I observed this to accord with the plans before me. I have considered the appeal on this basis.
3. The Council sets out its reason for refusal as being that the limited information submitted with the application meant that it was unclear what the overall level of occupation at the property would be, or the level of activity that would be generated. The appellant has provided evidence that the information requested to address these matters was available to the Council at the time the decision was made. Further detailed information has been submitted as part of the appeal which provides information on how the premises would operate, including a copy of the 'Locality Risk Assessment' (2023) and 'Statement of Purpose'. As these documents do not fundamentally change the information which appears to have been available as part of the planning application I have considered the documents as part of the appeal.
4. The Council has not referred to any development plan policies in its Decision Notice. The Planning Officer's report refers to the potential implications for highways safety and the effect on the living conditions of existing or future occupiers with particular reference to noise and disturbance. Therefore, I

consider development plan policies of relevance to this case to be policies TR2, DS4 and DS5 of the Bradford Core Strategy Development Plan Document (2017) (CS).

Main Issues

5. The main issues are the effect of the proposed development on:

- Highways safety; and
- The living conditions of neighbouring residents with particular reference to noise and disturbance.

Reasons

Background

6. The appeal property is an end of terrace, stone-built, 4-bedroom dwelling. The property sits at the top of Harold Street, which comprises two rows of terrace houses with unrestricted parking along both sides of the road and a single point of access. The host property has been extended by two large dormers. The principal elevation of the property looks onto Keighley Road. Access to off road parking for one car is provided from Keighley Road and there is outdoor amenity space to the front and side of the property.
7. The row of dwellings along either side of Harold Street are outside of the main built-up area of the town and there are a number of different uses in close proximity including Bingley Grammar School and two residential nursing homes. Keighley Road is a busy road with no on street parking, however there are bus stops within a few steps of the appeal site, with the main facilities for the town being a short walk away.
8. The proposal is for the change of use of the property for supported living for young people aged 10-18. The property has been leased to Welcare Global Limited who have made an application to Ofsted for the premises to be registered as a Children's Residential home. A 'Locality Risk Assessment' (2024) of the premises was submitted as part of the appeal.
9. The premises is proposed to be used for the care of a solo young person with staff undertaking cooking and cleaning, providing key working sessions and assisting with homework and recreational activities. The number of staff at the premises would be dependent on the placement and risk associated with the young person with 2 members of staff being present most of the time. The staff work shift patterns and therefore there would be short handover periods where there may be 3 members of staff on the premises. In addition to the staff, a Home Manager would visit the site on a regular basis and there are likely to be social worker visits and visits from parents.

Highways Safety

10. The property has off road parking for the provision of one vehicle and there is additional on street parking available in Harold Street, which is not subject to restrictions. Although no specific details have been provided, the appellant states that most of the workforce do not drive and they also have a private arrangement for an additional 2 parking spaces a short walking distance from the site. I noted on my site visit that despite there being three members of staff present, due to it being a period of changeover, that there were no cars

parked at the property. I also observed that there is a bus stop very close to the appeal site.

11. Given the proposed number of occupiers, staff levels and potential number of visitors to the property I do not consider that movements to and from the site would be significantly different to its use as a 4-bedroom residential dwelling. I therefore conclude that the proposal would not cause harm to highway safety. Thereby, the proposal would not conflict with Policies DS4 and TR2, which seek amongst other things to ensure that new development provides opportunities to encourage people to walk, cycle and use public transport and provide appropriate levels of car parking.

Living Conditions

12. The main door of the property faces onto Keighley Road and therefore has a different aspect to neighbouring properties along Harold Street and there are no proposals to change this arrangement. This would mean that visitors and staff would not need to walk past neighbours to access the property, which would minimise noise and disturbance to neighbouring occupiers.
13. As I have previously referred to, the level of activity resulting from the change of use is unlikely to be significantly different to that of a residential property. Therefore, I conclude that the proposed change of use would not cause harm to the living conditions of neighbouring residents with particular reference to noise and disturbance and thereby would not be in conflict with Policy DS5 of the CS, which seeks amongst other things to ensure that development is designed so it does not harm the amenity of existing or prospective users and residents.

Other Matters

14. The appellant has referred to the conduct and lack of regard to information submitted during the determination of the planning application process. However, these are not matters for my deliberation in the context of a planning appeal.
15. I note that West Yorkshire Police have no objection in principle to the development, however they have requested a detailed management plan for the safe housing of any vulnerable person at the property, information on how the appellants will comply with recent policy changes to a national review of children's homes, the installation of CCTV and sharing of the information should young people abscond and that the appellants register with Ofsted. I have also noted the comments relating to the conduct of a young person who has or is residing at the property.
16. The appellants have undertaken a 'Locality Risk Assessment' (2023), which was submitted as part of the appeal and state that they have made an application to Ofsted for the premises to be registered as a Registered Children's Home and CCTV has been installed.
17. I have considered whether a condition could be used to address the submission of a management plan and agreements to share information with the police. However, as this relates to the ongoing management of the premises as a care home and its occupants rather than the living conditions of neighbouring occupiers, I do not consider that the imposition of conditions to

this effect would meet the relevant policy tests as set out in paragraph 55 of the National Planning Policy Framework (2023).

18. A third party has raised concerns in relation to a lack of recreational space. The property has a small outdoor amenity area, which provides some outdoor space for use by the young adult and staff. I have no evidence that more outdoor space would be required for the proposal compared with its existing use as a dwelling and therefore consider that the existing space is appropriate for the proposed use.

Conditions

19. The Council have not submitted any suggested conditions. I have attached a condition requiring that development is carried out in accordance with the approved plan in the interests of certainty.

Conclusion

20. For the reasons given above the appeal should be allowed.

C Skelly

INSPECTOR