

**PARISH** Pinxton Parish

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**APPLICATION** Change of Use of Existing Dwellinghouse (C3 Use) to Children's Care Home for up to 3no. Children (C2 Use). Minor facilitating works comprising widening of driveway and vehicle access.

**LOCATION** 16 The Chine Broadmeadows Pinxton Nottingham

**APPLICANT** Mr D Price Burley Heyes Arley Road Appleton Warrington WA4 4RS

**APPLICATION NO.** 24/00102/FUL **FILE NO.** PP-12857133

**CASE OFFICER** Mr Mark Penford

**DATE RECEIVED** 8th March 2024

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### **SUMMARY / PROPOSAL**

This is a full planning application proposing to change the use of 16 The Chine, Broadmeadows Pinxton (C3a - dwellinghouse) to a Children's Care Home (C2 - residential institutions) for a maximum of 3 children with 24-hour care supervision undertaken by the applicant One Home Property UK Ltd. The use would see 3 no. young people under 18 having unrestricted access to the property with the aim to replicate a family household where children and staff members eat and live together, albeit on a rota basis where staff do not live within the property as their full-time residence.

The statement of purpose submitted with the application explains the property would be used for children at risk of CCE/CSE, drug/alcohol abuse, self-injurious behaviours, criminal behaviours and complex needs. The statement explains the team have experience of working with a range of young people with various complex needs who might come from homes/family breakdowns, fostering breakdown or from residential children's homes.

The staff required to look after children would work to a register and weekly staff rota. A registered manager would be on site 9am to 4pm Monday to Friday and a team of support workers would be on the site on a rota basis with a maximum of 4 care staff at a time. Other visitors would include Social Services once every 6 weeks, an Ofsted visit taking place every 12 months. At Least one member of staff would be required to sleep at the property overnight.

Internally the annex to the property would be used in part as a staff office and bedroom. The main dining room, lounge and kitchen would remain unchanged for those purposes. All three children would have separate bedrooms on the first-floor where there would also be a staff bedroom. No external changes are proposed to the appearance of the building. The only minor operational development associated with this application is a proposal to widen the vehicular access and driveway hardstanding to facilitate additional off-road parking and turning for the proposed use. The second floor of the building would not be in use.

### **CALL-IN TO PLANNING COMMITTEE**

The application has been referred to the Planning Committee for determination due to significant resident objection.

Cllr Louise Fox has also requested that the application be called in to the Planning Committee for the following reasons:

- Inaccurate/misleading information between the planning, design & access statement and statement of purpose regarding the ages of the children. It is intended to be 16-18 years and age of children being cared for is misleading.

- Inaccuracies regarding location of the highway boundary to the application site and neighbouring property.
- The property accommodates 3 vehicles, there is not enough space for vehicle turning.
- Questions the suitability of the location on grounds of anti-social behaviour levels in the area having worked closely with PCC on an ASB project on Broadmeadows.
- County lines are high in the local area, which is problematic in school, particularly Frederick Gent School.

### **Site Location Plan**



### **SITE & SURROUNDINGS**

No 16 The Chine is a two and a half storey detached dwelling located at the junction of The Chine and The Pemberton. The dwelling benefits from an existing vehicular access with off-road parking. To the ground floor is a dining room, kitchen, lounge, utility and W.C in addition to a separate attached annex which consists of a dining room and kitchen, lounge, bedroom and en-suite W.C. To the first floor are four bedrooms and a bathroom. The first floor also incorporates an en-suite to the master bedroom and a walk-in wardrobe. To the second floor, within the roof space are two further bedrooms and an additional W.C. The dwelling has seven bedrooms in total and represents a large family home. To the rear is a private enclosed residential garden. The front curtilage is open plan to the street scene with the absence of boundary treatment to the highway and with the boundary to 18 The Chine.



***Front Elevation of 16 The Chine***

The site is located in a built-up residential area to the north of the A38, separated by an area of woodland. The dwellings in the locality are of mixed house types which generally sit in spacious curtilages with off-road parking.

**BACKGROUND**

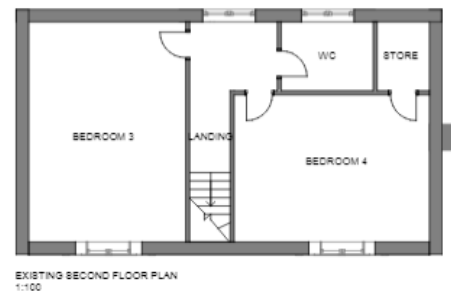
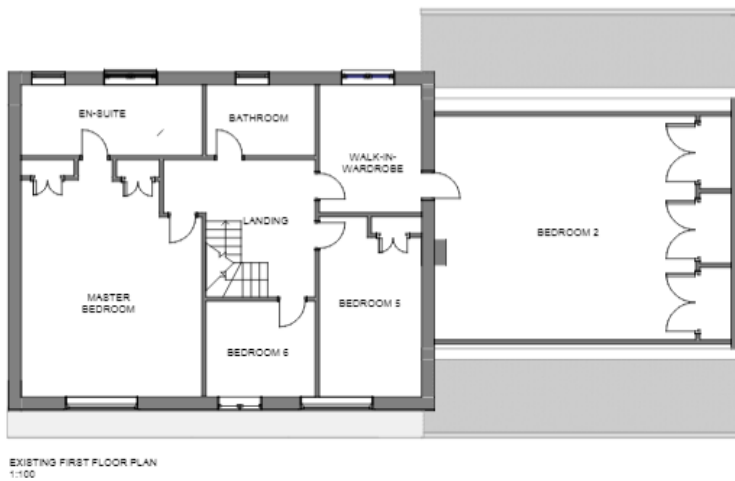
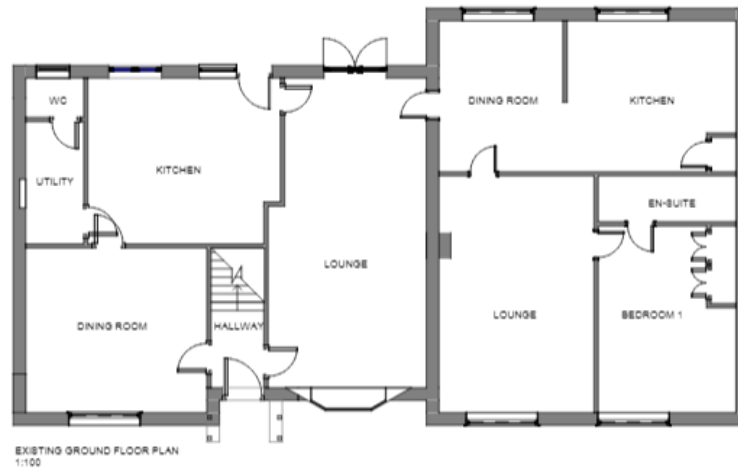
Planning Permission has previously been granted to extend the dwelling in the form of dormer windows to the front and rear and a two-storey side extension under office codes 01/00384/FUL and 03/00553/FUL. A former attached double garage has also been converted into living accommodation to provide a residential annex in accordance with Permitted Development Rights. In December 2023 One Home Property UK Ltd applied to the District Council for a Lawful Development Certificate for the proposed use of the dwelling as a Children’s Care Home for 3 no. Children. The purpose of the application was to establish whether the dwellinghouse could be used a childrens home lawfully without the benefit of planning permission, as a result of there not being a material change of use.



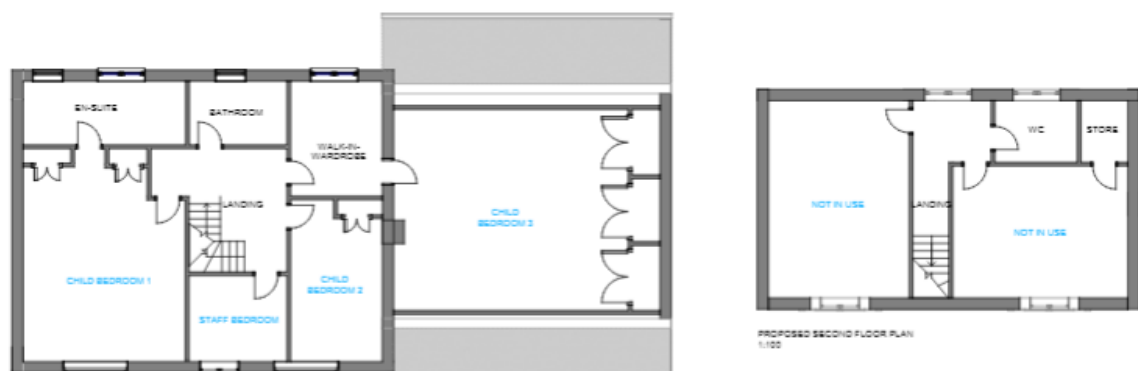
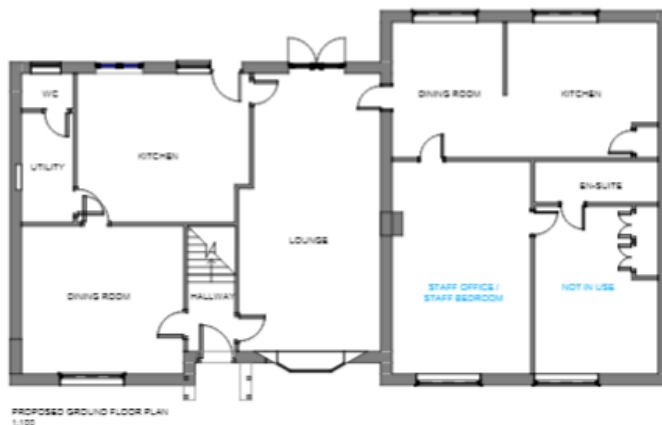
***The frontage with established parking***

Officer's refused the application on 12<sup>th</sup> February 2024 on grounds that the use of the dwellinghouse as an institution looking after children would amount to a material change of use of the property. Refusal of the application for the Lawful Development Certificate has resulted in submission of this application now under consideration. It is important to note that refusal of the previous application is not a material planning consideration for the current proposal. The previous application was entirely focusing on whether or not a material change of use would take place, not the acceptability of a care facility in planning terms. Therefore, the Development Plan and the framework were in no capacity engaged for the Lawful Development Certificate application.

### ***Existing Floor Plans***



## Proposed Floor Plans



### Supporting Documents

Statement of Purposes prepared by Manager: Abbi Davenport.

Planning, Design & Access Statement prepared by JS Planning Services

Appendix 1: Weekly Staff Rota

Appendix 3: Public Transport & Car Sharing Incentive Scheme

### Amendments

A306 Proposed Site Plan Revision 2 defining parking and swept paths for turning.

Planning, Design & Access Statement Revision A prepared by JS Planning Services

Appendix 3: Weekly Staff Rota Revision A.

### PLANNING HISTORY

01/00384/FUL      Granted      Erection of two storey extension to side

03/00553/FUL      Granted      Formation of dormer windows to front and rear elevations and two storey side extension

23/00647/LAWPRO	Not	Application for a Lawful Development Certificate: Change
	Certified	of Use of existing 7no. bedroom dwellinghouse (C3 Use)
	Lawful	to Children's Care Home for 3no. Children (C2 Use)

## CONSULTATIONS

### **Bolsover District Council – Principal Environmental Health Officer**

25/04/2024

Raises some concerns in relation to potential noise impacts that could arise. Section 7.11 of the design & access statement states the change of use will not be 'materially different' to the use as dwellinghouse, however sections 4.5 and 4.6 confirm the children will have 'social, emotional and behavioural difficulties' and 'a range of complex individual needs'. Advises that this is significantly and materially different to the existing use as a family house, with regards to overall disturbance to the residential amenity of neighbouring properties. As a District Council Environmental Health Officer, there is experience of trying to resolve noise complaints arising from these businesses and confirms that, whilst there may be similarities, there are not the same as a typical home environment. Challenging behaviours and complex needs can result in significantly higher levels of both noise and aggressive behaviour.

The fact that staff at the homes are well trained to look after residents is not in doubt, however the primary focus of the service, and the management systems that are in place, are (a) to make money and (b) to ensure the welfare needs of the residents are met. The noise impacts of the business upon the wider community are not considered a priority for care providers or the placing authorities, and these impacts can be significant and very difficult to control retrospectively. Problems can arise for a variety of reasons, for example where the assessment of the care needs results in unsuitable placements, or changes in the circumstances of those being cared for which are not readily accounted for.

Environmental Health departments have to try and resolve the issues that arise from residents who do not adjust well to a care home setting. The impacts can be significant, and as a worse-case, include nightly anti-social behaviour and noise nuisance, on the property or outside, which care home staff are not able to prevent (as, unlike in a domestic property staff cannot prevent those being cared for leaving the property, at any time of day or night) there is experience of several cases where regular calls are made to the Police by concerned members of the public, however they are often unable to address the issues sufficiently. Environmental Health can investigate and serve noise abatement notices under statutory powers available to them, however in practice, this is a protracted process that requires the engagement of various agencies. The outcomes are usually far from satisfactory. The design and access statement suggests that the company are experienced in managing any problems that might arise, however according to the entry in Companies House the company was incorporated on 25 September 2023, so it is considered they are relatively inexperienced as a company in managing children's care homes.

There are significant concerns regarding the introduction of a care facility into the residential location and introduction of excessive noise, that would be incongruent with the local area arising from regular visits from care home staff and other associated support workers not accounted for in the design and access statement. Some will be during anti-social hours, which will be dictated by the needs of those being cared for; and intermittent but potentially regular episodes of shouting, screaming and other anti-social behaviour. Is aware of the ministerial statement issued last year by the Minister of State Department for Levelling up,

Housing and Communities that confirmed 'that the planning system should not be a barrier to providing homes to the most vulnerable children in society'. The statement does not however state that the imposition of appropriate conditions is unreasonable. Therefore, recommends consideration is given to a 2-year temporary permission, so that the impacts of the proposals on the community can be fully evaluated. Also recommends a condition to secure a noise management plan for approval in writing before the care home is taken into use.

#### **Bolsover District Council – Senior Engineer**

No objection raised. Advisory notes recommended in relation a public sewer and the possibility of unmapped public sewers and the need to contact Severn Trent Water if any part of the works involve connection to/diversion of/building over/near to any public sewer. All proposals should comply with Part H of the Building Regulations. Any connection or alteration to a watercourse would need prior approval from the Lead Local Flood Authority at Derbyshire County Council.

#### **Derbyshire Constabulary – Force Designing Out Crime Officer**

A number of safeguarding checks are undertaken for any new care provision for children or vulnerable adults. There looks to be conflicting information in respect of occupant profile within supporting documents. The application description has no stated ages; the design and access statement sets out up to 3 children between 7 and 17 years and the statement of purpose presents them as a specialist service catering for young adults between 16 and 18 years with a variety of behavioural problems. These anomalies, a perceived lack of community consultation by residents and the prior application to have to have the use certified lawful have not helped settle any perceptions of a disruption to residential amenity.

If the application form is correct, it would seem the applicants may be operating outside of their area of expertise as set out in the picture of their 4 existing care homes in the north-west of the country. Mention is made to a company capacity of 18 which looks to have been reached in operations elsewhere. It is not clear where the restrictions originate from, but it is appreciated expansion is possible.

Results of safeguarding checks are that there are no concerns regarding child sexual exploitation in the locality or any specific relevant situational problems. There are significant concerns connected to child criminal exploitation from a current county lines operation from close to the site, with links across the locality and should be taken into account in the placement of children who would be at risk from CCE. This situation may clearly be subject to change but at present should be seen as undesirable in subsequent OFSTED processes. The number of resident objections and the reasons presented are noted, many of which there is sympathy with.

There is no inevitability of nuisance associated with children's homes or even likelihood it would occur, but it is a possibility. It is understood that policy guidance may dictate otherwise, but in reality, there have been a small proportion of a growing number of children's homes in the County which have unsettled community cohesion. This is usually seated in the behaviour of some residents, the apparent lack of appropriate management, or a combination of the two where weak management practices have led to inappropriate placements and an inability to tackle unacceptable behaviour. It is understood through, that these matters may not necessarily be seen as material in the deliberations of the application.

## **Derbyshire County Council – Adult Social Care and Health**

30<sup>th</sup> April 2024

Confirms no comments to make.

## **Derbyshire County Council – Children’s Services**

10<sup>th</sup> May 2024

Confirms that as a County we have fewer children’s homes across our footprint than other Authority’s. We do have children placed at a distance and therefore any new provision from private organisations could be useful to increase supply in a more local area. It is important to note that every residential home, when it is registered with Ofsted, would have to issue a ‘statement of purpose’ which outlines their key type of home and cohort of children they would want to place there. This should all become apparent with Ofsted, and they would assess the suitability of the property against their desired statement of purpose. Advises finding out the type of residential home, for example, it may focus on emotional and behavioural difficulties or learning and disabilities. The types of home and types of children placed can vary a lot based on this. As stated, as a Council we have limited provision across our footprint.

## **Derbyshire County Council – Highway Authority**

25<sup>th</sup> March 2024

The Highway Authority will not be in a position to issue formal comments within the consultation period due to refused application 23/00647/LAWPRO where the Highway Authority notes the officer’s report mentions an issue with travel to work and there is a need to see if the submitted Design & Access Statement and Appendix 3 addresses the Officers report for 23/00647/LAWPRO.

18<sup>th</sup> April 2024

It is considered the concerns in the Officer’s report for 23/00467/LAWPRO remain in terms of underestimating vehicle movements, number of staff, start and finish times, distance from stops with frequent bus services, mitigation against car share or public transport use. From a desktop survey, it is understood four vehicles could access and park on site, but it is unclear how these could manoeuvre and leave the site in a forward gear. This could raise road safety concerns around vehicles reversing onto the highway.

29<sup>th</sup> April 2024

Further to previous Highway Authority comments the application has been reassessed in terms of its potential impact on the highway safety network and in particular the relevant transport relates paragraphs in the NPPF. It is concluded that the likely vehicle movements generated by the proposed care home would be similar if not reduced, particularly when taking into account the proposed ‘Public Transport and Car Sharing Incentive Scheme’ to those generated by existing of the property as a large residential dwelling. The submitted site plan does indicate that sufficient space is available for onsite parking and manoeuvring to allow vehicles to enter and exit in a forward gear and it is recognised the proposal to widen the access will assist in the ability for vehicles to turn within the site and it is recommended the access widening is conditioned accordingly. Some additional roadside parking may be generated, however this is likely to be the case for the existing dwelling on occasion, and for neighbouring dwellings, and in all likelihood the two uses are predicted to be very similar in this regard. There are no grounds for a Highway Authority objection to the application. Planning Conditions are recommended to ensure the site is not taken into use until the access, parking and turning facilities are provided in accordance with the submitted drawings. Advisory note recommended regarding any access works on the highway and prior notification required to the County Council.



**North-East Derbyshire District Council – Supported Accommodation Review Team**  
26.04.2024

Confirms no comments at this point but it appears young people may be taken in preparation for leaving care and we would only become involved once an applicant turns 18, is in receipt of child benefit and if housing benefit deem the tenancy related support to be more than minimal.

**Pinxton Parish Council**

Response not received.

**PUBLICITY**

Site Notice posted 26.03.2024. Comments required by 16.04.2024.

Neighbour letters posted 26.03.2024. Comments required by 16.04.2024.

Neighbour letters posted 19.04.2024. Comments required by 10.05.2024.

Neighbour letters posted 08.05.2024. Comments required by 22.05.2024.

**REPRESENTATIONS**

Eighty-six individual resident representations have been received. Comments are summarised by topic area as follows:

Principle of Development

1. The residential area is inappropriate for a children's care facility.
2. It is understood all children should be given opportunity to progress in life but a more appropriate establishment could be found.
3. Paragraph 60 of the NPPF explains the Government's objectives to boost the supply of homes, including the needs of groups with specific housing requirements.
4. A care home for three young persons does not align with national policy to boost housing as set out in paragraph 63 of the framework.
5. There is no identified need for such provision in this locality.
6. Overall local and national policy seeks to prevent loss of family housing and provide housing for older people.
7. The proposal is contrary to the intentions of local and national policy and there are compelling reasons why it should be refused.
8. Contrary policies SC3 (n) and SC11 which protect amenity.
9. The practical text is significant conflict with local and framework policies, S12 of the framework which seeks to create better places to live, protection of amenity.
10. As the proposal is in significant conflict with policy there are no countervailing considerations of greater weight. In accordance with S38(6) of the PCPA 2004 planning permission should be refused, copper bottomed by the clear conclusion the development is unsustainable as defined by the framework.
11. Contrary to Policy SC1 of the Local Plan due to scale and nature and function with the area.
12. Does not align with national policy to provide housing and accommodation for older people.
13. Contrary paragraph 135 of the framework.
14. Contrary paragraphs 60, 63, 96 and 97 of the NPPF.
15. Contrary policy SC10 due to impacts on trees.
16. Conflicts with local and national framework policy resident rights to amenities, disturbance, control of noise and road safety.

17. No means to control the C2 use.

### Sustainability

1. Limited transport links to other nearby towns within easy walking distance.
2. Unsuitable use for teenagers due to a lack of amenities and services.
3. There is no job centre or education facilities in the village.
4. There is no access to shops for the residents only houses.
5. Not an ideal location as no colleges or clubs.
6. No bus service and never has been.
7. There is nothing for young people to occupy themselves with.
8. There is no real infrastructure to make Breadmeadows suitable for young people.
9. No sports clubs, cinemas, theatres, cadets or youth clubs – a vehicle would be needed.
10. No dentist places.
11. Local schools may not be able to support the children.
12. A 100% ludicrous idea which needs to be in an area with shops and youth clubs.
13. There is nothing for children around here.
14. The proposed car share scheme or contribution to cycle purchases is appreciated but the circumstances mean staff will drive.
15. There is no 16 plus education available in South Normanton or Pinxton.
16. It is unfair for the children to have false expectations of their access to recreation, sport and cultural activities.
17. Reference to the access to public transport is misleading in the supporting documents.
18. Private taxi or pool car would have to be the private method of transport.
19. The proposal does not comprise sustainable development and meets its objectives.
20. As a consequence of the unsustainable argument the proposal is akin to a single family, the proposal will be far greater in terms of trips, noise, disturbance, light pollution, highway safety, inadequate onsite capacity, come to bear and warrant significant weight in the planning balance.
21. Isolation for the children being housed there and the site wont provide the necessary resources and life skills needed for vulnerable children.
22. Significant burden on road infrastructure from existing approved development.
23. Contrary paragraphs 7 and 8 of the framework and paragraph 11 and the presumption in favour of sustainable development.

### Residential Amenity

1. The urgent need for care homes is understood but not the place for an upmarket residential district.
2. This is not the right area; it will degrade the area.
3. The children would have emotional and sexual behavioural difficulties, autism spectrum disorder and Aspergers, mental health issues, drug and alcohol abuse, self-injurious behaviours, CCE and CSE risk factors, criminalised behaviours.
4. Residents don't want more dysfunctional people in the area.
5. Where are these children coming from, are they coming from large cities?
6. Unsuitability of the applicant, their experience and the property.
7. A company barely six months old doesn't have experience or financial capital to run a care home.
8. The need for these facilities is understood but the facility would be better suited

- elsewhere and not in a residential area.
9. Children play on The Pemberton and The Brunnen: safety concerns.
  10. Anti-social behaviour will be caused in a respectable area.
  11. None of the comments in the application for the Lawful Development Certificate have been addressed.
  12. Concern the proposal is for older children and older children would cause more harm to amenity and public safety.
  13. The area will be tarnished.
  14. People's attitudes to using the nearby park would change.
  15. Inappropriate commercial/business operation in a residential area.
  16. Harm to the ambiance of the area.
  17. There are already people in the area causing anti-social behaviour and intoxicated – too many dysfunctional people.
  18. Disruption to amenity from staff rotation and vehicle movements.
  19. Children should not be stereotyped but there is limited information to alleviate resident concerns.
  20. Limited impact assessment demonstrating how other areas have been affected by the same care provider.
  21. Concerns regarding experience and capacity of the provider and how anti-social behaviour would be dealt with or prevented.
  22. Concern that the building can accommodate more than 3 children as currently proposed.
  23. An increase in noise levels not associated with a dwelling use.
  24. Behavioural issues will manifest causing conflicts and complaints within the community.
  25. Safety concerns for children and the community using parks and roads.
  26. Concern for unsupervised child occupants.
  27. Will the care providers do a good job, they are not parents.
  28. How would the community handle hostile or irrational behaviour?
  29. How effective would the police be in responding to incidents?.
  30. Residents are fearful.
  31. There would be even greater adverse impacts on the elderly.
  32. The proposal is even having a negative effect before approval, from fears.
  33. Derbyshire Police has already highlighted the area has high anti-social behaviour, ASB is listed as a priority as well as drug dealing.
  34. Additional deliveries and commercial waste will cause disruption.
  35. Fears are just going to escalate.
  36. Although care homes are needed this is a residential area not a business park.
  37. Cause of social anxiety.
  38. The occupants will be targets of County Line gangs who target disadvantaged children.
  39. The location close to the M1 makes it easy for gangs to operate.
  40. Residents feel in the dark about the proposal.
  41. Concerns about security from overlooking of gardens and a 1ft wall separating driveways.
  42. The applicant has no track record of providing care and looking after the community.
  43. Contrary paragraph 135 of the framework which protects amenity.
  44. Contrary Policy SC11 of the local plan which protects amenity.
  45. The development is unfair on the current residents and for the ones intended to live there.

46. There area is safe with low levels of crime, which may go up as a result of the care facility.
47. Strangers will park and be around the place.
48. The local neighbourhood won't be able to cope with the impacts.
49. The losers will yet again be those who work hard, pay taxes and want a quiet life.
50. There will be an unavoidable onslaught of drugs, gangs and offensive behaviour and hypodermic needles.
51. We residents have experience of living in torture next to such a property elsewhere and nobody cared.
52. Once these homes are in place the battle is already lost.
53. The ramifications will be felt more than those neighbouring but by all those on the Broadmeadows Estate.
54. Promises will be made by the applicant to get what they want but they will be broken.
55. Comments made by case officer Amelia Carter are valid, pertinent and factual.
56. The quality of resident future lives is in your hands.
57. 16–18-year-olds are not children they are young adults.
58. Movement of vehicles at unsociable times causing noise and pollution.
59. Disruption of harmony between older and young residents.
60. Extending the driveway as proposed will be disruptive to residents.
61. Highly trained staff are needed for complex needs, will they have sufficient training to protect the local residents.
62. Given the size of the property we cannot see it remaining for 3 children.
63. Negative impacts on quality of life and community cohesion.
64. The number of carers is inadequate to manage the impacts.
65. It is hard to be assured that there would be no harm by a new applicant company.
66. This is more like a House in Multiple Occupation for young adults.
67. Concerns for the safety and well-being of the staff working there from how the children might behave.
68. Concerns regarding the directors of the company, lack of accounts, finances and experience.
69. Linked in profiles for the applicant appear to show no experience of the care industry.
70. Where people associated with the company live raises doubts on how they will be visitors to the property effectively and have a vested interest.
71. A waste of space of a large home and the accommodation is excessive for the children.
72. The house has no garden that a child would find fun.
73. Staff change overs will create the noise problem.
74. The troubled young adults are going to be disruptive.
75. Concerns for knife crime.
76. Fears for lack of supervision as a lack of a permanent residing adult at the property.
77. Residents are angry in reality about the proposed home and have no support.
78. If this is approved there would be animosity from residents towards those housed.
79. Our children won't be able to play outside anymore.
80. Local children living in the area will be frightened.
81. Concerns that the children living in the care home are going to be exploited and

- could be preyed upon.
82. Concerns the children/young adults living in the care home might have inappropriate sexual behaviours.
  83. Adverse impact on people's human rights to quiet enjoyment of property.
  84. Negative experiences from other similar facilities elsewhere, cannot be ignored.
  85. Loss of community spirit due to removing permanent populations with transient ones.
  86. A Noise Impact Assessment has not been provided.
  87. How will residents be supervised at weekends, evenings and during school holidays.
  88. Intensification in use of a residential dwelling.
  89. Lack of detail on where the young persons will come from and what trauma they have been subjected to.
  90. Infringement on right to private family life and home under Article 8 of the Human Rights Act 1998.
  91. The Council cannot be satisfied that the impacts will be insignificant, children are admitted to having behavioural issues.
  92. The scale and intensity of the use is not acceptable in the residential area.
  93. A distinct loss of community spirit will be caused.
  94. Significant increase in occupation is not commensurate with neighbouring uses.
  95. The lifestyles of the carers will adversely impact residential amenity.
  96. The carers will likely have a poor attitude to care and looking after neighbours.
  97. Concerns for a lack of staff at certain types and accuracy of the staff rota.
  98. Increase in drug and alcohol use.
  99. The use will not function in the same way as a dwellinghouse.
  100. Particular concerns for noise pollution during the night.
  101. There are other childrens homes nearby causing issues.
  102. Can you limit how many childrens homes can be put into a residential estate?.
  103. Other childrens homes have had children escape.
  104. The police are frequently called out to disturbances of other facilities.
  105. We don't want our children subjected to these problems.
  106. The local neighbourhood is not intended for this and will cause a negative impact.
  107. If permission is granted it should be for not more than 3 children.
  108. Permitted Development Rights should be removed to protect amenity.
  109. The tenants could interact with other vulnerable members of the community and children.
  110. Residents would not choose to live next to a care home so this should not be enforced on them.

### Visual Amenity

1. There has already been infill development in the area, originally Broadmeadows provided an open area.
2. A change in material character to commercial and demise of a beautiful village.
3. Would cause more of a business appearance than residential.
4. Changing to a front tarmacked area would be mismatched to other dwellings.
5. The house is already on the borderline of being overdeveloped due to previous extensions and alterations.

6. The introduction of signage is inappropriate and not in keeping with the quiet residential area.
7. An increase in use of the outdoors areas which will alter the make-up of the area and how it visually appears.
8. There is no detail on how the external communal areas will be cleaned, upkept and maintenance of the property undertaken.
9. Concerns for loss of trees and establishment of a car park contrary policy SC10.
10. Concerns for removal of grass verge and plants.

### Highway Safety

1. Concerns about the number of vehicles that may be parked at the property.
2. Concerns about the number of vehicles parked on the road.
3. There are limited transport links.
4. The policy on car sharing is unlikely to be of any value.
5. Vehicular movements will be above a normal property.
6. Significant burden on road infrastructure.
7. There are already enough cars on The Pemberton and commercial vans.
8. Additional danger to pedestrians, cyclists and motorists.
9. The Chine already needs repairs which the Council are failing to keep up with.
10. The Chine is already a very busy road being a main throughfare.
11. There is a build-up of traffic and congestion.
12. Parking is insufficient for carers and other visitors.
13. Widening the access will not eliminate the issue of lack of parking.
14. Car sharing is very unlikely due to where staff would travel from.
15. The rat run needs traffic calming.
16. A main pedestrian route to local schools.
17. Contradicts Bolsover's Safer Routes to Schools strategy.
18. Refuse collections will be different.
19. Residents will apply for provisional driver licences increasing demand for parking.
20. If there is an accident on the A38/M1 the area is totally gridlocked.
21. Public transport is not appropriate for sensory needs and occupiers would be encouraged to apply to drive.
22. Overspill of cars onto the road would be dangerous.
23. Vehicles reversing on and off the drive will result in higher risk of collision.
24. Cars speed way too fast.
25. Cleaners, maintenance staff and deliveries contribute to traffic hazards.
26. Visibility is poor for entering and exiting 16 The Chine due to a blind corner.
27. The number of cars is grossly underestimated.
28. Crash map data demonstrates a number of highway related incidents.
29. The car site plan is ambiguous.
30. Amelia Carter's comments in her report already expressed concern on impacts on comings and goings, safety and parking, a variety of factors and planning considerations.
31. Paragraph 114 states it should be ensured adequate opportunities to sustainable transport modes have been taken up.
32. Development should only be refused on highway grounds if there would be unacceptable impacts on highway safety or the residual impacts are severe.
33. The applicant is silent on the number of daily visits.

34. Occupants will start learning to drive and create further demand for parking.
35. Challenges the comments made by the Highway Authority regarding vehicular movements and a lack of objection.
36. Concerns regarding opposing views between highways Officers.
37. The car sharing policy wont be enforced or effective and should be disregarded in consideration of vehicular movements.
38. Contrary paragraph 114 of the NPPF and highway safety.
39. The staff rota and subsequent number of vehicles are inaccurate.
40. Vehicles reversing out will have to use the public footpath.
41. Widening the drop kerb takes the access closer to Pemberton junction which is very busy and requires good visibility and turning will be hazardous.
42. Vehicles take wrong turns and turn around at the junction all the time and will cause problems.
43. Crashmap data shows incidents in the locality.
44. When winter arrives, the area will become an ice rink.
45. The property was not built for business purposes.
46. Proximity to the M1/A38 will increase risks for the children.
47. Swept Paths inaccurate.
48. An electrical post obstructs the turning area.

### Other Matters

1. There has been a lack of community consultation and more residents should have been made aware.
2. The children have had a hard life but are not welcome and it is unfair.
3. This is an upmarket area and will cause a deep class divide.
4. Unsatisfactory delay posting the site notice and unsatisfactory notification.
5. It seems the Council was hoping few people were informed to create fewer objections.
6. Devaluation of property.
7. The statement of purpose and planning, design and access statement are contradictory regarding ages of children.
8. The children's best interests are not at heart.
9. What impact will it have on insurance rates if the area is a high-risk zone.
10. The people wanting to do this live a long way away and are not bothered.
11. The applicant has never contacted neighbours, which indicates they have little concern or respect.
12. This will damage the integrity of this area.
13. Meetings should have been undertaken with local residents to ensure the community is part of the democratic process.
14. Doubts there is sufficient capital to acquire the home.
15. Why doesn't the applicant have an operational website in order.
16. Which company is running the care home?
17. Who will own the care home?
18. There has been a lack in professionalism putting the application together.
19. Reference is made to other sites across the country in Warrington, Padiham and Morecambe with no record of planning permission in the north bought for a fraction of the price of The Chine.
20. The house needs to have its council tax band increased after this application is refused.
21. Previous applications for similar facilities have been refused.

22. Breadmeadows is an affluent area and introducing a care home as social housing is not fitting.
23. The idea a Council would spend an obscene amount of money on this would be scandalous.
24. This is a business use intended to profiteer out of vulnerable children.
25. What is happening now, the previous application was considered unlawful.
26. Why should the tax-payer have to pay for these young people's driving licences and passports.
27. Life is about lessons and hard work not being given these things/homes by the tax-payer.
28. Has the Council undertaken relevant and detailed risk assessments as part of its duty of care to residents.
29. Setting of precedence for further commercialisation and additional care homes.
30. Inaccurate and misleading information.
31. Concerns for suitability of the care provider, the director being director of six other companies.
32. Reference made to DCC comments about care providers making profits on the backs of vulnerable children.
33. The application is considered flawed following professional examination of supporting documents, inaccuracies & misleading information.
34. It is understood there are already enough childrens homes to satisfy need.
35. How are the communal areas going to be cleaned and responsibility taken for outside areas.
36. Inaccuracies between the statement of purpose and the staff rota in terms of staff sleeping overnight, number of bedrooms and capacity for more bedrooms being used.
37. Inaccuracies between the application form and statement of purposes in terms of staff.
38. The introduction in the supporting statement contradicts the Council's recent S192 LDC determination alleging no material change of use.
39. It is alleged this is a family home, it is not.
40. The statement disputes the findings of the case officer of 23/00647/LAWPRO which is unreasonable. Consistency in decision making is a crucial legal principle in order to command public confidence.
41. It is not unreasonable for the Council to question that there will be more than 3 children.
42. It is not considered that the Council could resist a larger number in future if a condition were imposed to limit the number of children.
43. The suggestion that there are three children may be considered irrelevant and it must be assumed the number of children will be at least 6-9, probably more.
44. Little weight can be given to the applicants claims.
45. Some might regard this proposal as a "stalking horse".
46. It is requested the application be reported to Planning Committee.
47. Loss of a family home.
48. Concerns for pressure on the police force and intimidation, complaints and conflicts for them.
49. The applicant has no track record for running a successful care home or caring about the community.
50. Objects to closure of Council run homes in favour of outsourcing to unsuitable places and more cost involved.
51. The Council is obliged to find a different suitable care home.
52. Taxpayers money is going to enhance the profits of private individuals.
53. Objects to the number of properties needed to house the displaced children.



54. What will happen to the children when the company takes their profit and sells up.
55. A money-making scheme with no remorse or consideration for Broadmeadows residents.
56. Residents have worked hard to live here and achieve this.
57. Is Broadmeadows now going to be the hub for facilities of this kind.
58. There are title deed restrictions preventing nuisance and other development.
59. Harm to bees and butterflies who cant feed from tarmac.
60. Rainwater wont seep into tarmac.

### **Mark Fletcher MP–**

I have been contacted by a number of my constituents regarding this application. Following a meeting with some of the constituents in question and a number of emails and calls I am requesting the concerns are shared with the Planning Officer. These issues are as follows:

- The children’s home will likely have a major impact on traffic in the area. The number of staff, visitors, third parties etc. will bring more cars around this area and, with the limited parking available at 16 The Chine, will also cause parking issues which will affect other residents,
- The children in this home may have any number of issues which could increase noise and other disruptions coming from the house. It could, in the view of some residents, bring about more anti-social behaviour which will impact upon other residents,
- There is a concern about the proximity of this building to major roads – the M1, the A38 – which could increase the risk for these children to be exploited in criminal activities and poses a safety risk in that the children can access dangerous roads quickly and potentially be injured on them. Constituents are concerned this has not been adequately risk-assessed,
- Residents are worried that there is a lack of activity provision in the area for young people, and a lack of post-16 education provision. This is coupled with a lack of public transport and will result in further increased car use and a negative experience for the children at the home,
- There are also concerns about the nature of the business which has made the planning application and the information they have provided regarding this project. The documents submitted list the company under four different names and is listed on Companies House as a property developer, not a care home provider.
- Some of the residents have also raised concerns that only a few of the nearby residents were actively informed about this application, while everyone else had to find out from their neighbours. One of the residents in question, Mrs Swann, has shared a document with me which elaborates on the concerns of residents about this application, and I have attached the latest version to this email. I trust the planning officers will take these residents’ concerns into account when evaluating this planning application and I would be grateful for an update when a decision is made.

### **POLICY**

#### Local Plan for Bolsover District (“the adopted Local Plan”)

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 – Sustainable Development
- SS3 – Spatial Strategy and Distribution of Development
- LC3 – Type and Mix of Housing
- SC1 – Development within the Development Envelope
- SC3 – High Quality Development
- SC5 – Changes of Use
- SC9 – Biodiversity and Geodiversity
- SC10 – Trees and Woodland
- SC11 – Environmental Quality (Amenity)
- ITCR11 – Parking Provision

### National Planning Policy Framework (“the Framework”)

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2: - Achieving sustainable development.
- Paragraphs 7 - 10: Achieving sustainable development.
- Paragraphs 47 - 50: Determining applications.
- Paragraphs 55 - 58: Planning conditions and obligations.
- Paragraphs 96 - 107: Promoting healthy and safe communities.
- Paragraphs 108 - 117: Promoting sustainable transport.
- Paragraphs 123 - 127: Making effective use of land.
- Paragraphs 131 – 136: Achieving well-designed and beautiful places.

### Supplementary Planning Documents

*Successful Places*

*Local Parking Standards*

## **ASSESSMENT**

### ***Key issues***

It is considered that the key planning considerations in the determination of this application are:

- The Principle of Development
- Residential Amenity
- Highway Safety and Parking
- Design and Character
- Biodiversity and trees
- Sustainability Considerations.

These issues are addressed in turn in the following sections of this report.

## **The Principle of Development**

To achieve sustainable development Policy SS3 of the Local Plan sets out a spatial strategy for the distribution of development in accordance with a Settlement Hierarchy Study which has assessed the sustainability of the district's settlements and ranked them accordingly. Firstly, development is directed to the main towns of Bolsover, Shirebrook followed by the emerging towns of South Normanton and Clowne. These settlements are regarded as the most sustainable.

The site falls within the South Normanton West Ward and within the Parish of Pinxton. Pinxton is defined as a larger village within the established hierarchy. The larger villages are defined in Policy SS3 and as more sustainable settlements alongside the main and emerging towns, where urban forms of development are supported in principle.

Although within the Pinxton Parish, the site is located within the defined development envelope of South Normanton where the principle of development is acceptable as defined under Policy SC1, subject to all material planning considerations. This is a small-scale development in planning terms which involves the change of use of an existing dwelling to a children's home within the development envelope of one of the district's main towns and as such the proposal meets the requirements of Policy SS3 of the Local Plan by distributing the proposed use to within the main towns and/or larger villages.

Recent Government advice emphasises the provision set out in Paragraph 60 of the framework which states to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

Paragraph 63 of the framework states within the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.

In her statement dated 23/05/2023 the Housing and Planning Minister set out the Government's commitment to support for the development of accommodation for looked after children, and its delivery through the planning system. She went on to state that the planning system should not be a barrier to providing homes for the most vulnerable children in society in right places with access to schools and community support. The statement was used to remind Local Planning Authority's that "as set out in paragraph 62 of the National Planning Policy Framework, Local Planning Authority's should assess the size, type and tenure of housing needed for different groups in the community and reflect this in planning policies and decisions. Local planning authorities should consider whether it is appropriate to include accommodation for children in need of social services care as part of that assessment".

She went on to say that "Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country."

The County Council's Childrens' Services department has confirmed that there is a limited provision of children's homes within the County, compared to other Authority's and that, as a result, children have needed to be displaced at a distance. Provision from private organisations is confirmed by Childrens Services to be useful in increasing supply in a more local area.

Policy LC3 of the Local Plan for Bolsover District states that the council will support the provision of housing for older people and specialist housing provision across all tenures including extra care schemes in appropriate locations, close to services and facilities. Policy LC3 is therefore supportive of the proposed use.

In planning terms, whilst it is appreciated that the proposal is materially a different use to C3a, and is a business C2 use, the nature of the business is such that the building would remain in residential use within a residential area. There are no planning policies which restrict, in principle, such care homes from being provided within existing residential areas, subject to all material planning considerations. Nor is there any planning mechanism to locate care facilities away from existing residents who might be opposed to them or to control the number of care homes in one area. Each planning application is required to be considered on its own merits.

The principle of development is therefore acceptable in principle subject to assessment of relevant local and national planning policy and consideration of any relevant material planning considerations.

### **Residential Amenity**

In considering development proposals Policy SC3 (n) of the Local Plan requires a good standard of amenity is maintained for the occupants of existing neighbouring properties as well as the future occupants of new development, including levels of privacy and light, position and avoiding overbearing relationships and the provision of adequate amenity space.

Policy SC3 (f) of the Local Plan requires development to take account of the need to reduce the opportunities for crime and the fear of crime, disorder and anti-social behaviour, and to promote safe living environments.

Policy SC11 of the Local Plan for Bolsover District states that development likely to cause a loss of residential amenity as a result of, amongst other things, noise, must be supported by a relevant assessment. In addition, paragraph 191 of the NPPF states that planning decisions should mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The above is reflected in paragraph 135 (f) of the framework, which seeks to secure a high standard of amenity for existing and future users. Paragraph 96 of the framework states planning decisions should aim to achieve healthy, inclusive and safe places which, promote social interaction, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life of community cohesion; whilst ensuring an integrated approach to considering the location of housing, economic uses and community facilities and services.

This application has generated significant resident objection as summarised above in this report, primarily on the grounds of how the children might behave, cause noise, crime and anti-social behaviour and adversely impact on the local community's residential amenity and safety as a result. There is also significant objection surrounding the adequacy of the care provider, the experience of staff and organisation as a whole as a business in the area could adversely impact on the efficiency of the care home and adversely impact on residential amenity and public safety.

In planning terms, the application is to accommodate three children for any age below 18 and for a maximum of three children. The ages of the children cannot be controlled through the planning system. It is not appropriate or reasonable to stereotype these children through the planning application process or to judge how they might behave as a result of their background, upbringing or any past trauma. This is discriminatory.

Who these children are and their requirement for care is unknown. It is an Ofsted matter, who allocates children to suitable homes depending on their individual needs and following prior assessment per child, care provider and location. Even if details of the individual user profiles of the under 18's had been provided with the application, the occupying children could change without the need for planning permission, subject to Ofsted approval, and it would not form a material planning consideration.

Each child/young person could need a home for many reasons. They might have had very different or difficult upbringings and experiences, which in turn might have resulted in them suffering from learning difficulties, emotional difficulties or behavioural issues described in the applicant's statement of purpose and which the local residential community area very much concerned about. However, in planning terms these are children/young people under 18 who require care and who should not be further discriminated against because of the likelihood that they will be teenagers, and how, as young people, that might cause more disruption to the community, when compared to small children. The planning system does not judge the potential behaviour of individual children as a result of their ages.

The experience of the individual applicant care provider, their finances, how the children will be cared for, the ratio of staff to children, the qualifications of the carers, their responsibilities, background, level of expertise, personal attitude to management and care, their recruitment method, means of training, turnover of staff, or where they live in relation to their place of work, are all similarly not material planning considerations because other regimes exist to ensure for the appropriate care and management of children.

Therefore, in planning terms this application is required to be considered in general terms and the numerous objections which focus on the specific problems that children might suffer from, and public fear about how this might affect how they behave to cause the amenity/safety issues summarised above in this report, are not material planning considerations.

The Force Designing Out Crime Officer (FDCO) has set out a number of concerns in the consultation response but has acknowledged, in accordance with comments summarised above, that the Force's comments may not necessarily be material in planning terms. The FDCO has confirmed that there is no inevitability of a nuisance occurring, or even a likelihood that this will occur, but it does remain a possibility.

The FDCO refers to discrepancies in the submission documents relating to the age of the children (age 7-17 in the design & access statement and age 16-18 in the statement of purpose), a lack of pre-application engagement with the community and the applicants attempts to obtain a Lawful Development Certificate for the use. These factors combined are considered by the FDCO to have not helped to settle public fear of disruption to amenity. Officers encourage applicants to carry out pre-application community engagement but cannot insist that applicants do so. Whilst residents feel the publicity for the application is inadequate, it has been undertaken fully in accordance with the Development Management Procedure Order. The refused application for a Lawful Development Certificate was an appropriate method for the applicant to determine whether or not the proposed use would be lawful, and the applicant was entitled to submit an application of this nature.

The FDCO's comments about the applicant appearing to be operating outside of their area of expertise, and appearing to currently operating at full staff capacity, are similarly not material in planning terms. The Care Quality Commission is responsible for regulating all health and social care in England, to ensure adequate quality and safety of care, including at care homes. In planning terms, the proposal could be from any applicant. The planning system has to have good faith that these separate regimes are effective in the interests of protecting child welfare.

The FDCO confirms there are no concerns relating to child sexual exploitation in the locality, or any specific relevant situational problems but there are concerns about child criminal exploitation from county lines operation close to the site and considers that that this should be taken into account in the placement of children which are at risk from CCE. As stated above, it is Ofsted's responsibility for allocation; and any criminal activity would be for the police to control. These matters are, similarly, not within the remit of the planning system.

It is recognised that there could be a worse-case scenario where three children within the property might have extremely challenging behaviours and that Ofsted might consider the application site to be an appropriate location for such children. In that situation there is the potential for noise, disturbance, aggression or even crime and disorder. In turn, this impact would be detrimental to residential amenity.

It is noted that the applicant's Statement of Purpose explains the goal is to reduce inappropriate, damaging and destructive behaviour and to develop healthy and socially acceptable behaviour by setting out reasonable expectations, rewarding positive behaviour, implementing programmes to encourage positive behaviour and providing general encouragement and support.

The District Council's Principal Environmental Health Officer (PEHO), who specialises in statutory nuisance such as noise, has been consulted for comment. The PEHO has experience in dealing with care facilities of this nature. For this application the PEHO does have concerns regarding the potential for adverse noise impacts and a statutory nuisance occurring, but an outright objection has not been raised to the application and therefore the PEHO is not recommending refusal. There are powers under the Environmental Protection Act 1990 for Environmental Health to serve an abatement notice if a statutory nuisance situation to control any noise impacts, but in the experience of Environmental Health, the outcome is usually unsatisfactory.

In this case the PEHO has quoted the Ministerial Statement issued in 2023 by the Minister of State Department for Levelling Up, which confirmed "the planning system should not be a barrier to providing homes of the most vulnerable children in society. As the statement does not state appropriate conditions would be unreasonable, the PEHO has recommended a two-year temporary planning permission to enable any possible adverse impact on amenity to be monitored and evaluated during this period.

If a condition of this nature was attached, at the end of the two-year time period, the C2 use would be required to cease, unless a further planning application was made to the Local Planning Authority to extend the C2 use. Any such application would be subject to resident consultation and necessary consultation.

To be consistent with previous Officer recommendations for similar planning applications of this nature, it is not considered that a temporary planning consent would address the concerns raised because children within the home could change if Ofsted deemed fit and this cannot be controlled by condition. The success of the residents of the home and their successful integration with the community and level of cohesion, would largely depend on who the children are at the time and the effective management of the home. These are, again, both matters controlled by Ofsted (as stated in the design & access statement there is a 28-day assessment to see how residents settle into their surroundings and identify any risks that might previously have been unknown).

Whilst noise is a material planning consideration, there are no planning grounds on which to refuse the application on this basis because the scale of business operation is limited to 3 children and because the noise concerns stem primarily from concerns about the actions of certain individuals as a result of their backgrounds. Although the framework states planning decisions should not undermine quality of life or community cohesion, the unknown behaviours of the occupants are not a material reason on which to identify conflict with the framework in this regard. A further planning condition has been recommended by the PEHO to secure a Noise Management Plan prior to the development being brought into use. A condition of this nature is reasonable and would meet the six tests of conditions.

Other potential impacts on residential amenity via noise and disturbance might be through comings and goings as a result of the use as a children's home (staffing and other visitors). The revised design & access statement explains, with a supporting weekly rota, that staff would arrive at the earliest from 7:30am and the latest leave by 21:00 with other occasional journeys for social activities in early evenings and weekends. The weekly staff rota shows a manager present Monday to Friday 9am to 4pm. There would be two Senior Registered Support Workers and two Registered Support workers who would work shifts to allow a 24 hours presence and no more than 4 carers on site at any one time and the manager. Other visitors would include Social Services, Ofsted. The rota is coordinated to allow a 30-minute

gap between a staff member leaving and a member of staff arriving in order to minimise staff on site during crossover of shift patterns.

It is considered that the use of the property as a care home would be likely to cause comings and goings above those associated with the use as a dwellinghouse. However, it should be noted that this large seven bedroomed dwelling could equally be occupied by a very large family, with adult children or dependant relatives, foster children and different occupiers who might also equally work shift patterns and generate comings and goings without the benefit of any planning permission. It is also possible that the dwelling could be used as a House in Multiple Occupation for up to six unrelated individuals without the benefit of planning permission. The comings and goings associated with a C3a dwellinghouse use at full capacity are difficult to quantify.

Ultimately, given the proposal is for a maximum of 3 children and 4 care staff with one manager, to be controlled by condition, this would control the scale of the care operation in the locality. It is not considered that the comings and goings would be over what would be reasonably expected in a residential area to result in noise and disturbance to residential amenity. Whilst the dwelling has more bedrooms, with some not even being used, and the community has concerns about future expansion, this is not a material planning consideration because this application is required to be considered on its own merits and the scale of business activity can be controlled by condition. Any breach of planning control would be investigated by the District Council's Planning Enforcement team.

The dwelling has an established private enclosed rear garden, and no changes are proposed to existing fenestration. Therefore, there are no concerns in relation to overlooking or loss of privacy to the residents living around the site's boundaries.

As part of the planning process there is the need to consider the amenity of future occupiers in addition to existing residents. Each under 18 would have a private bedroom and access to a large domestic living space to the ground floor and the use of a private garden. Carers would also have access to separate bedrooms for overnight stays. The large home would provide a good standard of living conditions for future occupants.



***The rear garden.***



It is considered that the material change of use, by virtue of being limited to 3 children, results in a business-related residential use which is appropriate in scale, location and would function with and be compatible with the residential area in accordance with Policy SC1 (a) and (c) of the Local Plan.

The proposal represents the efficient re-use of a brownfield site and existing building with an appropriate mix of residential uses, by still representing a residential use in a residential area, in accordance with Policy SC2 (a) and LC3, which supports all types of housing, including specialist housing provision.

As a result of consultation with the Force Designing Out Crime Officer it has been established that there is no inevitability of crime or other adverse impacts arising from the proposed use. The process through planning is to reduce opportunities for crime and fear of crime, disorder and to promote safe living environments by designing out these issues (where possible) and to protect community safety through the use of planning conditions, where appropriate.

This applies when considering any residential accommodation through the planning process, not restricted to childrens care homes, because an application for a new dwellinghouse could be occupied by any individual from any background. The same would apply to a House in Multiple Occupation for up to six unrelated individuals.

For this application there has been no identified opportunity to improve impacts on community safety by designing out crime. The use of planning conditions to control the number of children, and care staff/manager will control the scale of business activity to a level which is considered appropriate and acceptable within the residential area. A further condition is necessary to ensure the facility is not used for any other purposes within Use Class C2, meaning it would need to remain as a children's care facility. On this basis the development is considered in accordance with Policy SC3 (f) and (n) and SC11 in this regard.

In conclusion to considering residential amenity, Officers understand the significant residential objection raised, but the majority of the issues do not fall within the jurisdiction of planning. The planning system might be the first stage in allowing the proposed use to operate, but the use is subject to other legislation checks, requirements and approval and therefore planning cannot be used to control matters dealt with under these separate regimes that relate to care, quality of care and the management and/or control of, noise, nuisance, crime and anti-social behaviour.

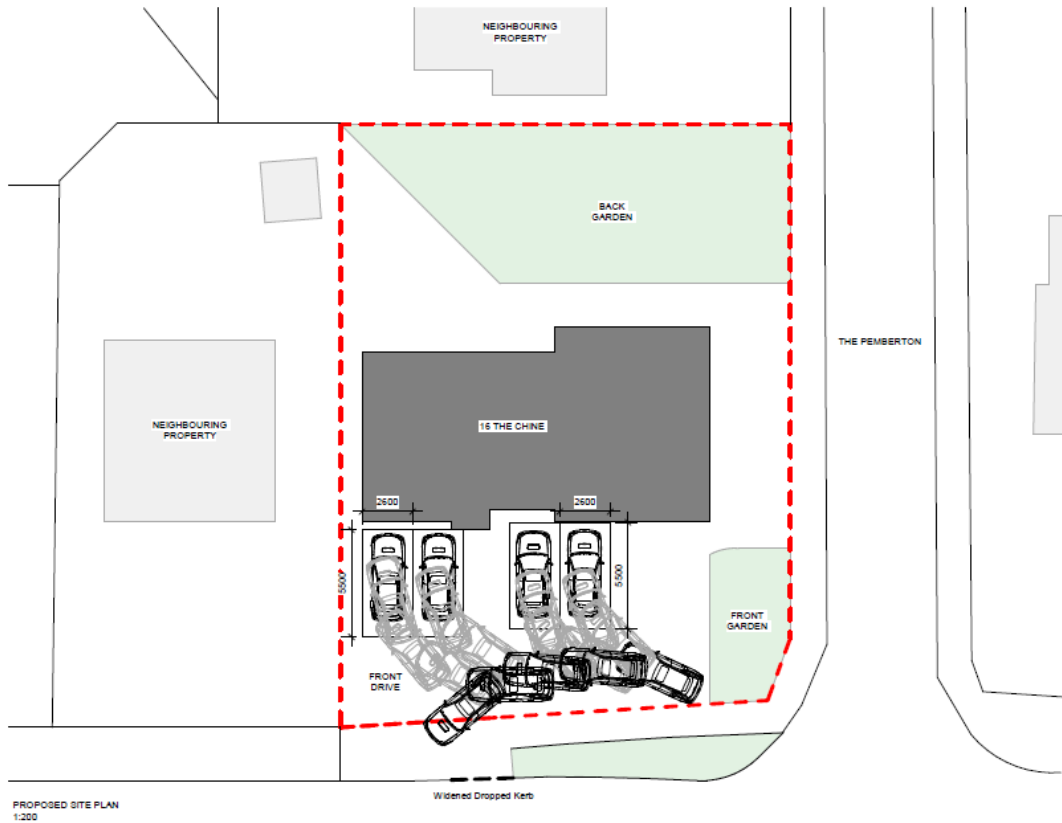
### **Highway Safety and Parking**

Policy ITCR11 of the Adopted Local Plan and its Appendix 8.2 of the Local Plan sets out the Council's minimum parking standards as a means to create a safe and secure environment. Minimum Standards exist for Residential Institutions in Appendix 8.2, but children's homes are not defined and therefore parking provision for this application needs to be considered individually in consultation with the Highway Authority.

The SPD 'Local Parking Standards was adopted in January 2024. The SPD cannot change the statutory requirements of Appendix 8.2m but provided further clarification on application of the policy.

Paragraph 114 of the framework states that in considering applications for development it should be ensured that safe and suitable access to sites can be achieved for all users.

Paragraph 115 of the framework makes it clear that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.



***Proposed Parking Area and widening of vehicular access.***



***Application site on the left.***



***Application site on the right.***

The application has generated objection from the community regarding a lack of parking, the impacts of on road parking, congestion, poor visibility, accidents, comings and goings being underestimated, and ineffectiveness of a proposed car share scheme, set out above in this report.

The Highway Authority initially raised concern in relation to this application due to the comments made on the refused application for the Lawful Development Certificate for the proposed use and also in relation to parking and turning. It has therefore been explained to the Highway Authority that the comments on the Officer report for that application are not relevant. Those comments related to the materiality of the change of use and whether or not a care home could be certified as lawful.

Following receipt of the initial highway comments, a parking plan has been provided which defines four off-road parking spaces and includes swept path analysis.

The Highway Authority has therefore re-assessed the application on its highway safety impacts and the relevant transported related paragraphs of the framework. It is the conclusion of the Highway Authority that vehicle movements generated by the C2 use would be similar if not reduced, particularly when taking into account the applicant's proposed Public Transport and Care Sharing Incentive Scheme. The car parking plan is confirmed to provide sufficient space for available on-site parking and manoeuvring to allow vehicles to enter and exit the site in a forward gear.

The proposal to widen the access and increase the hardstanding will assist vehicles to turn within the site. The Highway Authority recognises that roadside parking may be generated by the care home, but that this could be the case for the existing dwelling on occasion and for neighbouring dwellings; and in all likelihood the two uses are predicted to be similar by the Highway Authority. The Highway Authority concludes with no objection requesting conditions to secure widening of the access and provision and retention of the four parking spaces. The four car parking spaces each measure 2.6m x 5m in accordance with the District Council's minimum parking standards.

With regard to staff changeover patterns, visitors and vehicular movements to and from the site and resulting vehicles, this is not fully quantifiable or predictable and will be dependent on the needs of individual children in occupation at any one time. However the Highway Authority has raised no objection as the road network is considered capable of accommodating any overspill.

The applicant has adopted a Public Transport and Car Sharing Incentive Scheme shown in Appendix 4 which encourages and provides financial incentives for staff members to utilise public transport or to cycle to work. Based on this the Planning, Design & Access Statement advises trips generated by staff are anticipated to be below those anticipated by the staff rota. A pool car is proposed to be used by the staff on shift for shared journeys, such as days out, which would be collaborated in the same way as a household to minimise number of trips. The total number of trips anticipated are 25 trips across a 7-day week, amounting to an average 3.57 ~(4) trips per day and less at the weekend.

Although resident objection is noted, there are no defined adopted minimum parking standards for the childrens care homes in the Local Plan. In the absence of a Highway Authority objection to the development there is no material reason to recommend refusal on highway safety grounds due to the number of spaces which are provided, because no objection is raised to on-road parking in this instance.

The large dwelling could feasibly be occupied at full capacity by a large family with several children who also drive. This might create a demand for on-road parking on a regular basis, not including any other visitors to a family home. Therefore, with conditions to control the number of children and staff, the scale of the business activity can be sufficiently controlled to a point where it would not be considered to have a materially greater impact on parking and on highway safety than the continued use as a dwellinghouse, or other uses which would not require planning permission, such as a House in Multiple Occupation.

Therefore, the proposal is not considered harmful to highway safety and would comply with the requirements of Policy SC3 of the Local Plan. With no objection from the Highway Authority there can be no confirmed adverse impacts on highway safety. Furthermore, the impacts from a care home use of a scale controlled by condition, could not demonstrate severe impacts on the road network. The proposal is therefore in accordance with paragraphs 114 and 115 of the framework.

### **Design and Character**

Policy SC3 of the Adopted Local Plan requires development to achieve a high quality of design, including through creating good quality, attractive, durable and connected places through well designed locally distinctive development that will integrate into its setting; and also, by responding positively to local context, contributing to local identity and heritage in terms of appropriate height, scale, massing, density, layout and materials.

Policy SC5 supports changes of use of buildings which are worthy of retention, which are in keeping with the fabric and character of any adjacent buildings, and where the density of the development is appropriate to location.

Paragraph 135 of the framework states decisions should ensure proposals add to quality of areas, are visually attractive as a result of good architecture, layout and effective landscaping; in addition to being sympathetic to local character and history.

The application proposes to widen the vehicular access by dropping the kerb to the site frontage and to remove some low-cut grassland to increase the parking area and allow turning. This extends the parking area down to the public footway. However, this is not considered to cause any harm to the residential character of the neighbourhood. No other changes are proposed to the site and building, which is worthy of retention.

Therefore, the application is considered in accordance with Policies SC3 and SC5 of the Local Plan because the visual appearance of the site is considered to remain domestic in nature, therefore responding positively to the defined residential context of the locality.

### **Biodiversity and Trees**

Policy SC9 of the Local Plan states development proposals should seek to conserve and enhance the biodiversity of the district and to provide net gains where possible. Policy SC10 seeks to protect trees during the development process. Paragraph 180 (d) of the framework states planning decisions should minimise impacts on and providing net-gain for biodiversity. Paragraph 186 states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodlands or veteran trees) should be refused.

As the application was submitted prior 2<sup>nd</sup> April 2024 it is exempt from 10% mandatory biodiversity net-gain. However, the application should still provide at least no net loss, and ideally some form of net-gain to comply with local and national policy. It is recognised this application is proposing to remove an area of maintained grassland in between the existing car parking area and the public footway in order to facilitate car turning. The applicant has confirmed the conifer trees on the corner of the site will be retained, there may need to cut back the vegetation to create hard standing directly forward of the residential annex.

The ecological value of the grassland is considered to be extremely low such that its loss would not cause harm to biodiversity. To ensure a form of biodiversity net-gain is achieved the applicant has agreed to a condition to provide a form of biodiversity enhancement measures, which might include details such as bird and bat boxes to be installed on the property prior to the use being first taken into use. With this condition, the development would provide a form biodiversity net gain in accordance with Policy SC9 of the Local Plan and Paragraph 174 (d) of the framework.

The trees are not considered to be of any significance, being conifers at the corner of the site, which are to be retained. The development is therefore considered in accordance with Policy SC10 of the Local Plan.

### **Sustainability Considerations**

Paragraph 7 of the framework states the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 8 sets out that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These objectives are as follows:

*a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

It is recognised that the proposal is a business venture for the applicant and will provide a means of employment and therefore income for individuals involved in the care provision. Occupants would spend in the local economy, benefitting local business and amenities. The economic objective is met.

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;*

There would not be any significant material change to the physical appearance of the building other than minor alterations to the front curtilage and therefore the material change of use protects local character by a continued domestic appearance.

The use would provide a contribution to the shortage of regulated children's social care at a local and national level, as confirmed by County Council Children's Services team. Children's homes should not be excluded from residential neighbourhoods where the scale and nature of the development is considered compatible with the neighbourhood in accordance with local plan policy. Residential neighbourhoods are sometimes needed to meet the day to day needs of vulnerable children and to create a household environment in residential localities, which is less institutionalised in character.

In terms of site location and access to local amenities and services, every residential home when registered with Ofsted would have to issue a 'statement of purpose' which would outline their key type of home and cohort of children they want to place there. The County Council's Children's Services team has previously commented that sometimes it is better to have sites well connected to amenities and services and sometimes limited access is better, to allow focused work with children without distraction. This is a process which would become apparent with Ofsted who would assess the suitability of number 16 The Chine against their desired statement of purposes.

Therefore, whilst the community consider the site to be unsustainable due to its distance from amenities and services, this is not always a mechanism to refuse care homes as a quieter and more remote location can sometimes better facilitate children's needs. Ofsted would allocate children according to their individual needs.

However, generally in this case the application site is not considered to be in an unsustainable location by Officers. The site is in a built-up residential area, which is not isolated. Future occupants are not considered to find it challenging to access amenities and services which would benefit their social, health and well-being of their age group. This is a very large residential estate which will already accommodate a number of existing under 18's

who currently have the same access provision to amenities and services as the future occupants of the care home. The applicant's statement of purpose explains care staff would transfer children to amenities necessary for their health, social and cultural well-being.

In terms of the impacts on the health, social and cultural well-being of the current residents, the amenity section of this report sets out other regimes exist to protect residents from crime, anti-social behaviour and noise and how this is not material to the application. The social objective is met.

*c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

The application has identified no harm to the natural and built environment, to biodiversity, waste or pollution or adverse impact on climate changes. The environmental objective is met.

## **CONCLUSION AND PLANNING BALANCE**

As referenced in the Minister of State's for Housing and Planning's Statement, the planning system should not be a barrier to providing homes for the most vulnerable children in society. Derbyshire County Council's Children's Services has confirmed the County has a shortage in children's homes, which demonstrates a need for this facility.

The planning system does not discriminate against occupant age, sex, sexual orientation, ethnicity or background and how different backgrounds, trauma and experiences might affect an individual to behave. Other regimes exist for the effective care of children, to regulate the adequacy of the care provider, for the management and control of crime and anti-social behaviour and statutory nuisances outside of the planning system.

In planning terms, the proposal is for residential accommodation in a residential area, albeit for care purposes and as a business enterprise. There are no planning policies which prevent such uses from coming within residential neighbourhoods. In this case the scale of business activity can be controlled by conditions so that it is considered appropriate and compatible with the residential area. It is considered that the proposal complies with relevant policies of the Local Plan and the framework and represents a sustainable form of development.

## **RECOMMENDATION**

**The current application be APPROVED subject to the following conditions:**

### **Conditions**

1. The development must be begun before the expiration of three years from the date of this permission.
2. There must be no more than three children living within the hereby approved care facility at any one time.

3. There must be no more than four members of care staff and one manager on shift at the premises at any time.
4. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises must be used only as a children's care home for up to 3 children and for no other purpose (including any other use falling within Class C2 of the Order).
5. Prior to commencement of use the widened vehicular access to the site, off-road parking provision of four spaces and turning facilities shown on revised drawing number 'A306 Proposed Site Plan' Revision 2 dated 19/04/2024 shall be provided in full. Once provided the vehicular access and off-road parking provision shall be maintained in perpetuity.
6. Prior to commencement of use, a noise management plan must be submitted to and approved in writing by the Local Planning Authority. The approved noise management plan must be implemented in full concurrent with the first occupation of the site and must continue to be implemented in accordance with the approved scheme thereafter.
7. A scheme of biodiversity enhancement measures shall be implemented fully in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority prior to commencement of use of the hereby approved children's care facility. Once provided the scheme shall be maintained in perpetuity.

### **Reasons for Conditions**

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To control the scale of the business operations in the residential area and standard of living accommodation within the dwelling in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
3. In the interest of highway safety and residential amenity in accordance with policy SC3 of the Local Plan for Bolsover District.
4. In the interest of residential amenity and highway safety in accordance with policies SC3 and SC11 of the Local Plan for Bolsover District.
5. In the interests of highway safety in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
6. In the interests of residential amenity in accordance with Policies SC3 and SC11 of the Adopted Local Plan for Bolsover District.
7. To secure a form of biodiversity net-gain in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.



## **Statement of Decision Process**

1. Officers have worked positively and pro-actively with the applicant. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

## **Notes**

1. Derbyshire County Council as Highway Authority advises pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 that prior notification shall be given to the Place Department at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website:

[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp)

e-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190.

2. Bolsover District Council's Senior Engineer advises as follows:

a) The sewer records show a public sewer within the area of the proposed work (plan enclosed). The applicant should also be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.

b) All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010. In addition, any connections or alterations to a watercourse will need prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority.

## **Equalities Statement**

*Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., "the Public Sector Equality Duty").*

*In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.*

## **Human Rights Statement**

*The specific Articles of the European Commission on Human Rights ("the ECHR") relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).*

*It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.*