



**14 September 2021**

**Agenda Item: 5**

**REPORT OF CORPORATE DIRECTOR – PLACE**

**ASHFIELD DISTRICT REF. NO.: 4/V/2021/0386**

**PROPOSAL: CHANGE OF USE FROM A RESIDENTIAL DWELLING TO A SMALL (2-BED) HOME FOR CHILDREN IN THE CARE OF THE LOCAL AUTHORITY. ALTERATION OF FRONT DRIVE.**

**LOCATION: 32 SUDBURY DRIVE, HUTHWAITE, SUTTON-IN-ASHFIELD, NG17 2SB**

**APPLICANT: HOMES2INSPIRE AND NCC CHILDREN & FAMILIES**

**Purpose of Report**

1. To consider a planning application for the change of use of a dwelling and alterations to site parking to use as a home for children in Local Authority care at 32 Sudbury Drive, Huthwaite. The key issues relate to the suitability of the location in land use terms, highway and amenity impacts. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

**The Site and Surroundings**

2. 32 Sudbury Drive is a four-bedroom detached house on a residential estate, known as the Whitegates estate, and is located approximately 560m to the south-west of Huthwaite town centre. The residential estate is accessed from Blackwell Road (B6026), 200m to the west of the junction with Common Road (B6027) (Plan 1).
3. The residential estate is served by a circular estate road (Whitegates Way and Sudbury Drive) with culs-de sac of Calke Avenue, Kedlestone Close and Stainsby Grove (Plan 2). The circular estate road is traffic calmed with kerb-to-kerb raised platforms along its length spaced for a residential road design speed of 25mph appropriate at the time of construction in the 1990s.
4. 32 Sudbury Drive is located opposite a grassed amenity area and play park at the south of the estate. There is a traffic calming platform immediately outside the property, and on its southern side a tarmac path leads to an enclosed area with play equipment. The traffic calming feature is a convenient level crossing point to the play area (Plan 3).

5. An integral garage of the original property has been converted to create a family room. The property has two hard-surfaced parking spaces and one additional shale surfaced space which emerges partially on to the raised traffic calming platform. The remainder of the front garden is planted.
6. The property has principal windows in the front and rear elevations (Plan 4). The largest bedroom has first floor windows in both the rear (north) and east elevations, with a clear-glazed side window directly facing a clear-glazed window in the side elevation of 30 Sudbury Drive which is a mirror-image in its design. The first-floor window in the west elevation is to an en-suite and is obscure glazed.

## **Background**

7. The applicant points to the County Council's duty to provide sufficient accommodation to care for those of their children who come into its care. This is known as its Sufficiency Duty. Where it cannot find suitable places within the county, placing children outside of the county strains their ties with their families, friends, supporting services and communities. This is of particular concern in the current national context where a rise in numbers of children needing local authority care is expected.
8. The applicant states that the County Council seeks to develop new children's homes within Nottinghamshire which provide a typical home setting, both in size and area. Whilst some children may benefit from living in large groups or in rural areas, many are best placed in houses and areas with some proximity and similarity to where they originate, especially where continued contact with birth families, friends and schools is intended.

## **Proposed Development**

9. Planning permission is sought to change the use of 32 Sudbury Drive to a home providing care for two children in Local Authority care, falling within Use Class C2: *Residential Institutions*. The application is made in partnership with Homes2Inspire, part of the Shaw Trust charity. The home would be registered with Ofsted before being opened.
10. The applicant advises that *the household would comprise one or two children, aged between 10 and 18, with a minimum of two appropriately trained adults present on shift on a rota basis. Other professionals may visit the property to provide care and support as required.*
11. *All NCC and H2I children's care homes have documented procedures staff must follow which have been approved by and are subject to inspection from Ofsted. These guide staff to support each child and maintain a safe and effective home. The home will be a safe haven for children in need of care, replicating many aspects of family-life in a domestic setting. The staff team will aim to create a happy environment and encourage engagement in activities which build confidence and independence.*

12. *The staff team would implement plans for either child to receive appropriate education, attending mainstream school wherever possible. Where a child with significant disabilities comes to live in 32, Sudbury Drive it is probable that their education would be partly or wholly in or provided with the support of specialist partners.*
13. *Each child would have their own bedroom and be encouraged to personalise with their own belongings. Communal facilities, such as the kitchen and living room, would be shared and each child would be included in cooking and cleaning activities, taking on appropriate chores as in a typical family home.*
14. A team manager covers two properties so would be at the home for 50% of the time. At least two staff would be on shift at all times operating a 25-hour shift system with staff handover taking place between 14:30-15:30 hours. During handover on some days there would be five staff on site for up to one hour.
15. The home would have a house pool car to transport the children. On the basis of all members of staff travelling by car and the manager being present, there would be six vehicles parked at the property or on the adjacent highway for an afternoon one-hour period each day. In addition, based on similar homes in the Homes2Inspire portfolio the applicant has advised there may be additional visitors making no more than one short weekly visit. Typical anticipated daily parking is shown in *Figure 1*.

	00:00-09:00	09:00-14:30	14:30-15:30	15:30-17:00	17:00-00:00
house pool car					
shift 1					
shift 1					
shift 2					
shift 2					
manager		50%	50%	50%	
total cars	3	3 or 4*	5 or 6*	3 or 4*	3

\*depending on whether the house manager is present

*Figure 1.*

16. The existing shale-surfaced parking space would be resurfaced with a bound finish and provided with drainage at the highway boundary. One or more electric vehicle charging points is to be provided following investigation to determine the best location. The established garden planting would be retained. The existing access arrangement over the raised traffic calming platform is not to be considered satisfactory by the applicant and it is proposed to re-site the traffic calming measure (as two traffic cushions) 18m to the east adjacent to 30 Sudbury Drive (Plan 5) to a position more evenly distanced from existing traffic calming features to the east and west (Plan 6).

Relocation of the traffic calming measure would be subject to a separate process including public consultation.

17. The children would each have a bedroom with en-suite. Resident staff would each have a bedroom which could also be used for related office work.

## Consultations

18. **Ashfield District Council** - Recommends refusal. *Ashfield District Council raise concerns with the proposal in respect to the impact on the amenity of neighbouring properties and highway safety. At 26 May 2021, 55 objections have been received from neighbouring properties raising a number of concerns. Policy HG8 of the ALPR 2002 states that development of residential care homes will be permitted where the amenity of neighbouring properties is protected. All proposals must ensure that the amenity of residents in the neighbourhood is protected and that undue disturbance or an adverse change in character of the locality will not arise. It is stated that during handover periods of staff shifts there will be five members of staff on site for up to one hour with a requirement for two members of staff on site at any one time.*
19. *Given the close proximity of the property to neighbouring properties, there are significant concerns with regards to potential noise and disturbance resulting from the proposed change of use. There are concerns in terms of the possible frequency of the comings and goings of staff and visitors in this particularly sensitive residential location. Furthermore, there are concerns with regards to enforcing the number of staff working on site at any one time in the interests of reducing the overall impact on neighbouring properties.*
20. *The proposed plans demonstrate four off-street car parking spaces, however the parking spaces do not meet the County Council's minimum dimension standard of 2.4m x 5.5m. The submitted planning statement indicates that as a worst-case scenario, all four off-street spaces would be used and an additional two on-street car parking spaces will be required. As a result, it is considered that the proposal does not provide adequate off-street car parking for the proposed use to the detriment of the capacity and safety of the highway in this location. [Members should note that the application has subsequently been amended to reduce the proposed number of on-site parking spaces to three spaces but no further response has been received from the district council at the time of the report being published].*
21. **NCC Highways Development Control** – No objection subject to the provision of the submitted proposed access arrangements.
22. *Highways are restricted to considering the impact of an application on capacity of the highway network and highway safety. The tests for both are “severe” and “unacceptable” respectively.*

23. *In respect of capacity, this proposal will not have a severe impact on the capacity of the adjacent highway network. Indications of the magnitude of such use classes which could create capacity impacts are within the Nottinghamshire Highway Design Guide and states that developments with 50 or more bedrooms should be assessed. It should be noted that even then, such a development may not create a severe impact on capacity of the highway network. A 4-bed dwelling falls significantly below this.*
24. *NCC parking standards were adopted in January 2021 and require one space per three bedrooms and 1 space for the maximum number of staff on site at one time. Where this is not met the guide states: 'developments will not be supported should they be likely to result in excessive on street parking that would: – impair road safety; – obstruct access for vehicles, including for service vehicles, the emergency services and buses; and – obstruct footways and be a hazard to cyclists and pedestrians, including those with mobility or visual impairments.'*
25. *In terms of highway safety, whilst there is a potential under-provision of parking during the day, Monday to Friday, it is not considered that vehicles parked on a residential estate road in this location would represent an unacceptable road safety issue, given the scale of the proposal / under-provision and in consideration of the fact there is no current excessive demand for on-street parking.*
26. *The proposals require an existing traffic calming feature to be relocated to enable unhindered access to the proposed parking spaces. A desktop study indicates that the existing loose stoned area is used as an informal parking space, using the flat-topped traffic calming feature to gain access. In doing so, the loose stones are being transferred to the highway, which is a potential road safety issue. The proposals will formalise this parking, providing a suitable bound surface, with the existing drainage extended to prevent discharge of surface water to the public highway.*
27. *It is required to re-site the traffic calming feature. This is carried out under a process separate to planning and the proposed type and location can only therefore be considered indicative. It is noted that the existing feature aligns with a path to the children's park to the south. Whilst not intended as a crossing facility, it should be noted that it is bad practice to align such features with paths as they can infer pedestrian priority, to the detriment of pedestrian safety.*
28. *With reference to the possible number of cars associated with the use: it is thought unlikely that the young people and their friends will all drive cars, if any, and that the friends would be there on a regular basis and/or both at the same time. The scenarios of managers being there before school and professional staff and Ofsted being there at the same time are unlikely and is considered unlikely to be a daily occurrence in any case. Gardeners / window cleaners and deliveries etc would all be similar to any other domestic dwelling.*
29. *The above noted, even with vehicles over and above that which can be accommodated within the curtilage, as highlighted previously there is no*

*current excessive demand for on road parking in this area and it is not considered that any additional demand associated with the proposed use would represent an unacceptable highway safety issue.*

30. NCC Highways Development Control has made comments on representations made on a second round of consultation (Paragraph 37) which includes the proposed relocation of traffic calming on Sudbury Drive:
- a) *Parking on-street adjacent to the bend - Parking that could take place would be in practice no different to additional vehicles and visitors parking to visit any of the houses in the vicinity of this bend. Opposing vehicles would be limited due to the quiet residential nature of this road and therefore the risk is minimal. Notwithstanding the above, rules regarding parking on bends is contained within the Highway Code. There is very little demand for on-street parking within this estate, meaning there are plenty of alternative places to park.*
  - b) *Impact of parking on emergency service vehicles - The parking will represent little difference to parking which could be associated with existing residences. Furthermore, the road conforms to current standards which take into account access by emergency service vehicles, along with much larger refuse vehicles.*
  - c) *Pavement parking will be encouraged - The road is wide enough to accommodate additional parked vehicles on the carriageway. Pavement parking is an obstruction, currently dealt with under police powers.*
  - d) *Insufficient space to park on the highway between house drives - There are plenty of opportunities to park in the vicinity, without obstructing driveways.*
  - e) *Difficulty crossing to the park due to parked vehicles - This road can be crossed at many points on the approach to the park, avoiding where parked vehicles may be.*
  - f) *The highway is too narrow - The carriageway is 5.5 metres (increasing to 5.6 metres through the bend). Whilst built to superseded design standards, this width matches the requirements of the current Nottinghamshire Highway Design Guide.*
  - g) *Removal of crossing point/re-siting of traffic calming feature/speed increased adjacent to park - With regards to re-siting the hump, its use as a crossing point to the park has been explored in the previously submitted consultation. The existing flat-topped hump is sited 60 metres from the hump to the west and 82 metres from the hump to the east. By moving it approximately 10 metres to the east, the distance between speed reducing features will be more equidistant, reducing approach speeds to and adjacent to the park, from the east, maintaining a more even speed from both directions, in the vicinity of the park as a whole. An alternative location outside number 34 has been suggested. As the location is indicative this could be explored during*

*detailed design, but could be discounted as it decreases the spacing with the hump to the west but increases it with the hump to the east.*

- h) Type of traffic calming feature / potential damage to vehicles - The drawing is indicative and the feature can be substituted for a round topped road hump. All traffic calming features are specifically designed to allow vehicles to drive over them without damage at speeds of around 20mph and less.*
- i) Difficulty accessing properties - The indicative location of the new traffic calming is not within the bounds of the dropped vehicular access for any property and will not therefore create an issue.*
- j) Conflict with parking taking place associated with an existing Childminding business - The Highway Authority are not aware of any planning applications submitted to change/vary the use of another dwelling in the area for use as a childminding facility. However, as we have had no complaints associated with this alleged use, this suggests there is no issue with parking additional to residential use in this vicinity.*
- k) Disruption due to Highway works - Works within the highway are commonplace and are managed such to reduce the impact of any disruption. These works are minor and will not create significant impact on this quiet residential road. As the road forms a loop, alternative access in either direction is available, to avoid the works.*

31. **Police Force Architectural Liaison Officer** – No objection.

32. **NCC Access Officer** – No objection. *The house appears to be designed to Approved Document M Part 1: Dwellings, Category 1: Visitable Buildings. With the proposed parking layout there is space for a wheelchair user to park and alight from their car. There are 3 steps to the front entrance door but there is an access path down the side of the building where there will be level access to a rear door or possibility of creating a ramped access.*

33. *The house has a ground floor toilet designed in accordance with ADM Volume 1 'visitability' standards and there is potential to adapt the building internally if there is a child in a wheelchair.*

## **Publicity**

34. The application has been publicised by means of a site notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.

35. A 214-signature petition has been received objecting on the following grounds:

- a) Increased volume of traffic, noise and air pollution
- b) Parking congestion in the area of the property, particularly at shift handover

- c) On-street parking required during busy times
  - d) Increased risk of accidents involving children using the play area opposite
  - e) Staff smoking in the rear garden impacting neighbouring property
  - f) The home will be for children with challenging behaviours
  - g) Increased anti-social behaviour, burglaries and drug dealing
  - h) Deterrent to children being allowed to use the park opposite
  - i) Change to the character of a peaceful neighbourhood
36. 77 representations from 55 households on Sudbury Drive (24) , Kedlestone Close (6), Calke Avenue (10), Stainsby Grove (4), Whitegates Way (10) (all properties on the Whitegates Way estate) and Parkland View (1) (900m to the east-south-east) have been received raising objections on the following grounds:

#### **Location Suitability**

- a) Adverse change to the character of the area (41)
- b) Children with challenging behaviour/unknown backgrounds/accommodating youth offenders (35)
- c) Increased drug use/dealing (10)/unwelcome visitors and anti-social behaviour (29) and related traffic/speeding (2)
- d) Safety concerns/Increase in crime and damage/fear of crime/incidents/ police incidents (54)
- e) Opposite a park is unsuitable. Not an appropriate location for the use (36)
- f) Deterrent to use of the park (25)
- g) Other properties could be used/brought back into use (19)
- h) The site is not in a sustainable location requiring significant travel by car/no amenities (6) A mixed-use location is more suitable

#### **Traffic**

- i) Increase in traffic (40)
- j) Inadequate on-site parking (14)
- k) Increase in on-street parking including additional support service vehicles (28)
- l) Obstructive parking (6) Obstruction to emergency vehicle access (2)

- m) Risk to pedestrian safety from parking and crossing to the park (21)
- n) Poor visibility – bend on the approach (16)
- o) On street parking will create a hazard (10)
- p) Staff/visitor parking will not be managed without Traffic Regulation (2)
- q) The path to the park meets the road at the existing traffic hump and would be moved (4). Traffic safety impacts of moving the traffic calming (6)
- r) Moving the hump is less of a deterrent to speeding (2)
- s) Limited/reduced available space for on-street parking (6) (One resident points to attending a property close by for child-care)
- t) Need for additional commercial waste collection and specialist transport
- u) No provision for electric vehicle charging [a charging point is proposed in the revised proposal subject of this report].

### **Amenity**

- v) Frequent coming and goings/staff handover/other visitors (11)
- w) Change in property frontage character (car parking) (10)
- x) Unneighbourly behaviour and noise disturbance (26)
- y) Loss of privacy – to neighbouring property/overlooking (8)
- z) Impact on sleep/health/welfare (13)
- aa) Vehicle pollution (2) next to the park
- bb) Impact of child/staff smoking on neighbours (4)
- cc) Disruption during highway works (2)
- dd) Increased area/resident property security is required (3)
- ee) Inadequate drainage for on-site parking spaces
- ff) No provision for the storage and removal of waste/odours
- gg) Lack of property maintenance

### **Safeguarding**

- hh) Hostility to residents and operators (2)

## **Management**

- ii) Concerns over applicant management style/reported experiences/risk to children in the applicant's care/challenging behaviours at other properties (Ofsted reports) (20)
- jj) Request for incident management procedures

## **Procedure**

- kk) Poor/lack of widespread County Planning Authority consultation (14)

## **Other matters**

- ll) Inappropriate/non cost-effective use of public funds and staffing costs (2)
- mm) Loss of value (24)
- nn) Additional permissions will be required (e.g. Building Regulations)

37. Consultation has taken place on the amendment reducing the proposed number of on-site parking from four to three spaces, and the proposed relocation of the traffic calming feature on Sudbury Drive. 21 representations have been received from 18 properties on the residential estate (Sudbury Drive (13), Calke Avenue (4), Kedlestone Close (1), Stainsby Grove (2) and Whitegates Way (1) raising the following objections:

## **Location Suitability**

- a) More sustainable/better locations for the use are available (7).
- b) Lack of access to services (2) no facilities on the estate.
- c) Antisocial behaviour/risks to the neighbourhood (4).
- d) High police call out to similar properties operated by the joint applicant (4).
- e) Fear/deterrent to use of the park (3).
- f) The use is not appropriate/adverse change to the character of the area (6).

## **Traffic**

- g) Increased on-street parking/congestion (15) Impact on use by emergency vehicles (2).
- h) Proximity to a bend is a highway safety issue (8). The highway is narrow/inadequate width (4).
- i) Pavement parking will occur/be encouraged (3). Insufficient space to park on the highway between house drives to accommodate staff parking

requirements. Impact on neighbouring property. Moving the traffic calming measure is a means to get permission passed and allow on-street parking.

- j) Safety/difficulty crossing to the park due to parked vehicles (11). Moving the traffic calming will worsen safety for park users. Larger vehicles (vans/scrap collectors) drive at speed (3).
- k) The existing speed calming hump has so far been adequate in its location (3). Removal of a crossing point to the park.
- l) Speed cushions are ineffective in reducing speed and can be driven around (4) – a hump across the full carriageway is more effective. Speed cushions cause vehicle damage.
- m) Inappropriate location for the traffic calming (2). Vehicles will speed next to the play park. The speed cushion will be outside a property drive (3). The speed hump location will cause difficulty accessing property. An alternative traffic calming location outside 34 Sudbury Drive is suggested.
- n) Disruption caused by highway works.

### **Management**

- o) Poor quality of care and leadership provided by the operator.
- p) The operator should have a robust management plan.

### **Procedure**

- q) Application consultation has been poor.
- r) The property has already been purchased (3).
- s) Objections are not being taken into account (4).

### **Other matters**

- t) Inappropriate/non cost-effective use of public funds (5).
  - u) Impact on mental health/anxiety (3).
38. Councillor Tom Hollis objects to the proposal: *Whilst I acknowledge that under the Children's Act 1989 (Section 22G), Nottinghamshire County Council has a duty to provide, on behalf of the people of Nottinghamshire, sufficient accommodation to care for those of their children who come into its care, I believe that this is simply in the wrong area.*
39. *Within the supporting statement for this application it makes a number of misrepresentations especially when talking about local amenities. The supporting statement says that "Local amenities include, a range of nearby shops, several outdoor walking and recreation facilities and Huthwaite Library."*

*This is simply untrue – shops on Blackwell Road (B6026) are some distance away. The nearest convenience stores are more than half a mile away and can only be accessed via a busy road. Huthwaite Library is a considerable walk from Sudbury Drive – it is only open for 7 hours a week – on a Monday and a Thursday. To claim that this is a facility benefitting local people is simply untrue – it has a minimal impact.*

40. *There are no bus services nearby as the document states – meaning social mobility opportunities are almost non-existent. There is simply not the local infrastructure to support this application. Many local people have contacted me regarding the unsuitability of this application. If indeed, this council are serious about consultation – then they would reject this application.*
41. *The cost of the property is approaching £300,000 – it is one of the most expensive estates in Sutton-in-Ashfield. As you will know, the Council has a fiduciary duty to spend taxpayer’s money wisely. This property is almost double the average house price of £152,000 in Sutton (according to Zoopla – June 2021). As I have discussed with the Chairman of the Planning Committee – I would be happy as the County Councillor for the area – to work with the applicants to find a more suitable, better value for money alternative. Sutton has more appropriate locations for a property of this nature with better infrastructure so that residents at these homes will not be as isolated.*
42. *I believe that this application will impact on the amenities of local people. The application talks about up to 5 cars at any one time being parked on this residential road for 24 hours a day, 7 days a week.*
43. *In conclusion, I do not object to the principal of housing children in need. For this specific application – it is purely about the expensive location with the lack of local infrastructure.*
44. *Lee Anderson MP has written on behalf of the residents of Sudbury Drive to object to the proposal. Sudbury Drive is a housing estate with a play park and a great community. In my opinion this site is not an acceptable area for this type of conversion for all the reasons highlighted in the objections from residents both to Nottinghamshire County Council and Ashfield District Council. Ashfield District Council has also raised its objection to this proposal which needs serious consideration along with individual objections from neighbouring properties.*
45. *The issues raised are considered in the Observations Section of this report.*

## **Observations**

46. *The proposed development proposes a small-scale child-care facility in the local community, meeting the County Council’s duty to provide accommodation for children in care under the provisions of the Children’s Act 1989.*

47. Ashfield Local Plan 2002 (ALP) Saved Policy ST1 – *Development* will allow development that amongst other criteria:
- b) will not adversely affect the character, quality, amenity or safety of the environment;
  - c) will not adversely affect highway safety; and
  - e) will not conflict with an adjoining or nearby land use.
48. ALP Saved Policy HG8 – *Residential Care Facilities, Houses in Multiple Occupation, Bedsits, Flats and Hostels* will permit the development of residential care homes (amongst other specified residential-type uses) where:
- a) the amenity of neighbouring properties is protected;
  - b) its design is acceptable in terms of appearance, scale and siting;
  - c) in the case of residential care homes the outlook from bedrooms and communal rooms is adequate;
  - d) adequate private garden is provided;
  - e) boundary treatment provides an acceptable standard of privacy and visual amenity;
  - f) access for vehicles and pedestrians, including disabled people, is safe and convenient;
  - g) parking facilities are provided in accordance with Council standards, as outlined in *Appendix 7*, and
  - h) landscaping complements and enhances its appearance.

With reference to Saved Policy HG8g) it should be noted that Appendix 7 is not 'Saved' and the current Highways Design Guide was adopted by the County Council in 2021.

#### Suitability of the Location

49. The proposed use falls within planning use class C2: *Residential Institutions* which includes the use of buildings as *residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres*. The proposed use is distinguished from use as a dwelling (Use Class C3) through not being a family unit/single household. With regard to the age of the children they would not be self-sufficient and would require care.
50. Having regard to examples of C2 use in the Use Class definition, the use includes properties and buildings which can be substantial in terms of their scale and potential impact arising from related staff and traffic movements. Although

within Use Class C2, the proposed use is of relatively small scale, seeking to provide a home for two children in the context of a residential housing estate. If the children were being cared for by fosters, the use would fall within the definition of Use Class C3 *Dwellings* and could take place without the need for planning permission.

51. The principal planning issues in determining this application are, in land use terms, the suitability of a care facility in an otherwise residential housing estate and the traffic and amenity impacts associated with the proposed use.
52. Use of the property as a care home for one or two children in care, in a home setting, would not be dissimilar to the occupation of a house, although the applicant has identified that there would be regular daily comings and goings by staff at the shift hand-over time (Paragraph 14). Considering the character of the proposed use, the location of a small-scale care home on a residential estate would not be out of character or inappropriate in the area.
53. NPPF Paragraph 130 advises, with reference to *12. Achieving well-designed places*, that planning decisions should ensure that developments *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
54. A significant number of representations raising objections to the suitability of the location relate to the background of children who may be resident and their past which may attract or lead to an increase in disruptive or anti-social behaviour. Whilst perception of crime has been held by the courts to be a material consideration it has been considered by an Inspector in determining an appeal<sup>1</sup> to be only material where the use, by its very nature, would provide a reasonable basis for concern. The Police have not objected to the proposed use. The facility would operate and be managed in accordance with established child-care practice and would need to be registered with, and would be subject to, inspection by Ofsted. Other procedures and controls are in place that would govern the management and operation of the children's home.
55. The County Planning Authority has been made aware that residents have been leafleted drawing attention to the proposal being to use the property to house young offenders. Such a proposal would fall within a separate Use Class C2A *Secure Residential Institution* and there is no permitted change between Class C2A and Class C2.

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<sup>1</sup> Appeal at 20 Pattens Lane, Rochester, ME1 2QT – Appeal reference APP/A2280/W/19/3222409  
<https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=33140902>

56. Objectors refer to alternative premises elsewhere being more suitable. A C2 use may be acceptable at properties in other locations but that is not the proposal presented for determination. The application site lies approximately 700m walking distance from the retail centre of Huthwaite on Market Place, and 820m walking distance from Huthwaite Library. After leaving the residential estate (390m walk) the nearest bus stops are 270m to the east close to the junction of the B6026 (Blackwell Road) and B6027 (Common Road). The property is in an urban area, not a remote site, and the cared for children would have the same access to community facilities as other residents of the housing estate.
57. In land use terms the principle of the use on a residential estate is considered to be acceptable, although detailed consideration needs to be given to the traffic and amenity impacts associated with the proposed use.

#### Traffic and Highway Impact

58. The proposed use would be likely to generate parking demand for six vehicles associated with the proposed use: a house pool car to transport the resident children; two on-shift staff; two staff at hand-over and a house manager likely to be on-site for 50% of the time. For the majority of the time there would be two staff cars and the house pool car, with the manager's car present for half of a 9-5 day shift (with a degree of flexibility in the hours that the manager may work). The property can accommodate three vehicles on the frontage which would result in up to three cars being parked on the adjacent carriageway for one hour at staff hand-over. Consideration needs to be given to the impact of parked vehicles on highway safety as well as a separate consideration of impact on amenity.
59. The carriageway on Sudbury Drive is 5.5m in width and 5.6m on the bend at 30 Sudbury Drive and is adequate to allow two medium sized commercial vehicles to pass (DfT Manual for Streets 2007). As house plots each have several on-site parking spaces, there is little on-street parking occurring on the estate and there is scope to park on the road without causing obstruction of drives or restricting access to service or emergency vehicles. Officers have witnessed a small number of cars and vans parked on the Sudbury Drive/Whitegates Way estate loop during the day. Delivery vans have also been observed passing the site presumed to be making a series of deliveries along the Sudbury Drive/Whitegates Way estate loop road.
60. 32 Sudbury Drive can be accessed by vehicles from two directions (Plan 7). The choice of route travelled to properties on the estate is likely to be determined by the shortest and most convenient route. Plan 7 shows that it is 235m from 32 Sudbury Drive to the junction with Whitegates Way rather than 350m via the route to the west. The mid-point of 295m lies to the west of 32 Sudbury Drive and only properties at 34-40 (evens) Sudbury Drive are likely to find passing the application site a shorter and consequently more convenient route to access and leave the estate.

61. 32 Sudbury Drive is located opposite a play area and there is ample capacity to park on the carriageway without causing obstruction or danger to the safety of vehicle movement on the highway. The application proposes to relocate the existing traffic calming platform which, when complete, would allow the white-line carriageway markings on the approach to be removed, and would increase the length of road available for on-street parking outside 32 Sudbury Drive.
62. The existing shale surfaced parking space is accessed across the raised highway platform, risks loose material being carried on to the carriageway, and may lead to surface water running on to the public highway. This would be addressed by extending the drainage channel to intercept surface water, and the proposed surfacing of the third parking space with a bound material. The relocation of the traffic calming feature would be the subject of a separate Order involving public consultation.
63. It has been raised in representations that the relocation of the traffic calming feature will be detrimental to safety as it currently provides a convenient crossing point to the park. However, Highways Development Control has advised in their consultation response that the provision of an at-grade crossing point at the end of a path leading from the enclosed play area could be detrimental to safety by giving pedestrians the impression of having priority over vehicles to cross the carriageway. Relocating the traffic calming feature would not remove a crossing point as there are already dropped kerbs the west, albeit not directly opposite each other but nevertheless at a point which provides pedestrians with good visibility in either direction. The proposal to relocate the traffic calming measure would remedy the current arrangement at the property, whereby a vehicle leaving and entering the highway from the presently shale surfaced parking space does so via the existing traffic calming feature, and its relocation to the east, closer to the bend in the highway, would serve to slow traffic on its approach to the play area. Relocation of the traffic calming feature would be the subject of a separate Order involving public consultation.
64. The recommendation of this report is that planning permission is granted for a time-limited period of two years. Should permission not be granted to extend the use beyond two years, and in consideration of the benefits and impact of relocating the traffic calming feature proposed by the applicant, NCC Highways Development Control has been asked for their view on deferring the relocation of traffic calming to the east.
65. *Based on the additional information, Via's Safer Highways Team and the Lead Auditor who undertook the road safety audit which looked at the proposed relocation of the hump, has been consulted. Their view is that the proposed relocation of the hump does not offer any additional safety benefit over the current situation and they would not have any significant concerns if the hump remained in its current position.*
66. *It appears that the requirement to relocate the hump seems to have been borne out of a strict interpretation of guidance provided at in Table T3.1.1 of the new Nottinghamshire Highway Design Guide which suggests that driveways should not normally be close to traffic calming features. It is noted in this case however,*

*that the driveway in question is already in close proximity to the hump, and it is already used by three vehicles. Consequently, in terms of the proposed use the situation is unlikely to be significantly different from that currently which has functioned satisfactorily for a number of years. In actual fact proposed surfacing and drainage will offer a degree of betterment as it will prevent loose material and water being discharged from private land in the public highway. The only difference here is the potential for overspill parking, during limited hours of the day.*

67. *It is stressed that the Nottinghamshire Design Guide is what it says in the title, a 'Guide', and there is some flexibility in its interpretation particularly in this case where the statement regarding traffic calming is qualified with the word 'normally'. There is no national design standard which prevents driveways being close to a traffic calming feature nor is there any legislative or legal reason preventing an access being constructed in close proximity to a hump.*
68. *With regard to the issues raised by the public about the safety implications of staff cars being parked in close proximity to the hump (Paragraph 36m)), colleagues in the Safer Highways Team have been consulted. They have confirmed that they do not consider this to be significant safety issue. Ironically it could be argued that leaving the hump in its current position may actually be of some benefit as it forces vehicles to slow down significantly at the very point on the highway where parked vehicles may be encountered on the carriageway and pedestrian conflicts may occur. Again, there is no legislative or legal reason why people cannot park in close proximity to, even on top of, the hump. Via's Highway Improvement Team (who regularly design such features for the County Council) have also confirmed the purpose of the existing white edge lines on the hump is not to prevent or discourage parking (it is not a H-Bar marking). Normally these markings are used where the traffic calming features do not extend across the entire width of the carriageway, and are used to denote the edge of the carriageway and guide vehicles onto the feature. In this case as the hump extends the full width of the carriageway these markings are unnecessary and appear to have been installed in error when the developer originally constructed the hump. Finally, I would stress the hump is simply a traffic calming feature, and is not, nor was it ever designed to be, a formal road crossing.*
69. *Given that the potential benefits of relocating the hump are limited, the likely disruption caused to the operation of the highway, as well as local residents by the works associated with its relocation, and the fact that the development is now being considered for a temporary permission, the Highway Authority would be content for the hump to remain in situ, but wish to reserve the right to review the arrangements should the applicant seek to make their permission permanent once a temporary permission expires.*
70. *Taking account of the additional advice from NCC Highways Development Control, it is considered appropriate not to require the traffic calming feature to be relocated should planning permission be granted for a temporary two-year period. Should the applicant apply for a further planning permission this matter can be reviewed and will benefit from any observations on the use of the*

property in this initial trial period. NPPF (2021) Paragraph 111 advises that *Development should only be prevented or 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.*

71. It is recommended that a minimum one electric vehicle charge point is provided and would be compliance with NPPF Paragraph 112e) (Condition 7).
72. It is concluded that the anticipated in comings and out goings from the property would not significantly differ from its occupation as a dwelling and that the parking of three cars on the carriageway for short periods of the day, with particular regard given to the observations of NCC Highways Development Control and Via Road Safety Team, would not be detrimental to highway safety such as to have a severe highway impact.

### Amenity

73. The amenity impacts of parking also need to be considered. ALP Saved Policy HG8g) will allow development to be permitted where parking facilities are provided in accordance with Council standards. The supporting text to the policy explains that *All proposals must ensure that the amenity of residents in the neighbourhood is protected and that undue disturbance or an adverse change in character of the locality will not arise.....Depending on the type of accommodation proposed and its location, it will be appropriate to provide adequate private garden facilities together with on-site parking provision, or communal open space areas.*
74. The applicant has suggested that through a Homes2Inspire policy, staff should park on the property frontage as space becomes available. Staff following that company policy would largely address the amenity impact of vehicles parked on the road. An informative to that effect is recommended (Note 2). Given the location of 32 Sudbury Drive on the estate, it has been observed that there is little passing traffic, and this is unlikely to change significantly. Whilst people living on the estate could walk to the amenity area either to play or walk dogs, there may be occasions where that journey is made by car. Vehicles being parked on the carriageway will not be out of character on a residential estate. Although sporadic, cars and trade vans working at premises have been observed parked on the carriageway during the day throughout the estate.
75. Given the nature of the use, it would be unlikely that attention would wish to be drawn to the presence of the children's home. In a more general context there will often be visitors throughout the day to residential properties where parking takes place of the highway: visits by friends and family; services; home deliveries; or, with the current increase in working from home, visits related to home working. Parking on the public highway can take place acceptably other than where it causes congestion or obstruction to through traffic.
76. The supporting text to ALP Saved Policy HG8g) explains that the need to provide on-site parking will be dependent on the type of accommodation and its

location. Having regard to the location of the property with only 30 and 32 Sudbury Drive facing onto the area of open space opposite, and available on-street parking capacity, it is considered that the parking of three cars on the road for a period of up to one hour each day during shift hand-over with the manager present or where there are occasional visitors would not significantly erode amenity such that planning permission should be refused. NCC Highways Development Control has confirmed that the proposal, including the retention of the highway speed reduction measure in its present location for an initial two year period, is acceptable.

77. Representations have been made regarding to the loss of the landscaped garden to create an additional parking space. That change to the frontage to Sudbury Drive has been omitted from the application presented for determination and no changes to the external appearance of the property are proposed, except for the provision of additional drainage and resurfacing of the existing shale surfaced parking space.
78. Notwithstanding the change of use, and with reference to the representation reported at Paragraph 36y), occupation of the property would be similar to the occupation of a house. The rear garden of the property is enclosed and provides an acceptable standard of amenity. There are views from first floor rooms to nearby properties, and adjacent properties will have similar views of the rear of 32 Sudbury Drive, but this relationship does not give rise to unacceptable impact on privacy from overlooking. Representations have been made about noise that may be generated. However, it is noted that in determining the appeal referenced at Paragraph 54 for change of use to Class C2 use as a five bed children's home with two carers, an Inspector commented that there was unlikely to be any significant difference from that created by its use as a single dwelling and potentially more if the parents of the family also frequently used the house and garden for leisure and entertaining. On the main issue of living conditions, the Inspector concluded there would be no harm to neighbours.
79. The facing clear-glazed windows at first floor level in the side elevations bear an unsatisfactory relationship and it is recommended that the window should be obscure glazed to address a potential threat to privacy of the neighbouring occupier (Condition 8).
80. The proposed layout of the building offers two child bedrooms with an additional bedroom/office for each of the resident staff. It is recommended that the maximum number of children in residential care at the premises should be limited to two (Condition 5). Subject to the recommended conditions it is concluded that the proposed development would not differ greatly in character from a house and the proposal would comply with the criteria of ALP Policy HG8.
81. In other amenity representations concern is raised about the property being able to cater for the needs of a child with disability and waste related issues. Whilst not a planning matter, the County Council would have a duty to place any child after carrying out appropriate assessments and provision to meet specific needs. The NCC Access Officer consultation response refers to adaptations that

may need to be made to the property. Concern is also raised about a lack of property maintenance, but as an Authority owned building repairs and defects are likely to be remedied quickly.

### Safeguarding

82. The issue of safeguarding has been raised in representations. There is a risk that children in the care of the Local Authority will be easily identified through their connection to the property, but this is a matter that will need to be managed by the applicant department in conjunction with Homes2Inspire.

### Management

83. Whilst in land use terms a well-run small scale children's home may integrate into a residential area there is a strength of opposition from local residents, supported by Cllr Tom Hollis and Lee Anderson MP, about what may happen to their community as a consequence of the proposal. Planning applications fall to be determined on their planning merit. Children's homes are inspected twice a year. In Ofsted *Main findings: children's social care in England 2021* it is reported that "*Just over 80% of all children's homes were judged good or outstanding, 18% require improvement to be good and 1% inadequate*". Although there would be an aspiration for all children's homes to be rated as *Outstanding* not all achieve that rating.
84. Representations have drawn attention to poor Homes2Inspire management practices reported on the internet and to police attendance at Homes2Inspire premises obtained through a Freedom of Information Request. The detail of that Freedom of Information request has not been provided, but it is noted that the Police do not raise an objection to the proposed use. The County Council as 'corporate parent' needs to make sure that any placements are safe and suitable for their children to live in and will need to be satisfied that appropriate practice is followed.
85. The Government's Planning Practice Guidance *Use of Planning Conditions* advises that "*Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period*". It is recommended that planning permission is granted for a time-limited period of two years, commencing from the time when the development is first brought into use (Condition 10), and will allow an appropriate assessment of the amenity and traffic related impact of the children's home in operation to support a further application at the end of the trial period. During the trial period, with regard to the observations of the NCC Highways Development Control and Via Road Safety, although found to be acceptable (subject to separate process), the proposed relocation of the traffic calming feature outside the property does not need to be carried out. A 6-monthly resident liaison committee should be set up, and the applicant should keep a log of complaints received including the date and any

remedial action taken (Condition 9). Furthermore, it is recommended that use of the property should be restricted to use as a regulated children's home (that is by definition subject to Ofsted inspection) and for no other purpose within User Class C2 (Condition 4).

### Procedure

86. Many residents have raised concerns over planning procedure and the publicity given to the application. It is unfortunate that shortly after posting a site notice outside 32 Sudbury Drive it was taken down and reported to have been displayed outside a different property by an unknown party. However, this was remedied through the display of a second notice. The number of representations received demonstrates that publicity given to application has been effective, and this has been carried out in accordance with the Statement of Community Involvement. All persons that submitted duly-made representations have been notified of the change made during consideration of the application.

### Other Matters

87. A grant of planning permission is only one consideration in the premises opening as a children's home. Other permissions such as Building Regulations approval and registration with Ofsted will be required. If undertaken, NCC Highways Development Control has identified the need for separate consent for proposed works to traffic calming on the public highway.
88. Loss of value to property and whether the development represents value to the public purse are not material planning to the determination of the acceptability of the proposed use of land.

### **Other Options Considered**

89. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly, no other options have been considered.

### **Statutory and Policy Implications**

90. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### Crime and Disorder Implications

91. No changes to the external appearance of the property are proposed. The Police do not object to the proposal. Incidents will be recorded and reported when a further application is made.

### Data Protection and Information Governance

92. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

### Financial Implications

93. The applicant would be expected to cover all reasonable legal costs incurred by the County Council in making an Order to relocate highway traffic calming referenced at Paragraphs 16 and 61.

### Human Rights Implications

94. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the proposed change of use. The proposals have the potential to introduce impacts such as noise disturbance and loss of residential amenity to adjacent residents. However, these potential impacts need to be balanced against the wider benefits the proposals would provide in providing a facility for the care of children in a residential environment. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

### Public Sector Equality Duty Implications

95. The premises will need to comply with Part M of the Building Regulations. Satisfactory level access can be provided to the rear of the property with minor changes needed to provide a ramp to replace a step if required.

### Safeguarding of Children and Adults at Risk Implications

96. The applicant as corporate parent will need to ensure that appropriate child safeguarding measures are in place.

### Implications for Service Users

The proposal would provide a facility for the care of children in a compatible location.

#### Implications for Sustainability and the Environment

97. These have been considered in the Observations section above.
98. There are no Human Resource implications arising from the proposed development.

#### **Statement of Positive and Proactive Engagement**

99. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

#### **RECOMMENDATIONS**

100. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

**ADRIAN SMITH**

**Corporate Director – Place**

#### **Constitutional Comments [SG 17/08/2021]**

This decision falls within the Terms of Reference of the Planning and Rights of Way Committee.

#### **Financial Comments [RWK 16/08/2021]**

There are no specific financial implications arising directly from the report.

## **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:  
[www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=FR3/4275](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=FR3/4275)

## **Electoral Division and Member Affected**

Sutton West                  Councillor Tom Hollis

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