



30 January 2024

Agenda Item: 6

REPORT OF INTERIM CORPORATE DIRECTOR - PLACE

ASHFIELD DISTRICT REF. NO.: 4/V/2023/0279

PROPOSAL: REMOVAL OF CONDITION 10 OF PLANNING PERMISSION 4/V/2021/0386 TO ALLOW CONTINUED USE AS A SMALL (2-BED) HOME FOR CHILDREN IN THE CARE OF THE LOCAL AUTHORITY

LOCATION: 32 SUDBURY DRIVE, HUTHWAITE, SUTTON-IN-ASHFIELD

APPLICANT: HOMES2INSPIRE / NCC CHILDREN & FAMILIES

Purpose of Report

1. To consider a planning application for the continued use of a dwelling 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 terms of land use, highway and amenity impacts. The recommendation is to grant planning permission, albeit for a further two-year temporary period, as set out in the conditions 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 cul-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. 32 Sudbury Drive is located opposite a grassed amenity area and play park at the south of the estate. The location of traffic calming features are marked on Plan 2 by dashed lines across the carriageway. 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.

4. The property has three hard-surfaced parking spaces one of which emerges partially on to the raised traffic calming platform. The remainder of the front garden is planted.



Photo montage of the children's home in use – May 2023. 32 Sudbury Drive pictured centre

5. The property has principal windows in the front and rear elevations. The largest bedroom has first floor windows in both the rear (north) and east elevations, with an obscure-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.
6. The authorised planning use of the property is as a home for children in the care of the local authority with accommodation to be provided for a maximum of two children. The first child placed pursuant to permission granted in September 2021 left the home on 31 October 2023. A different child was placed in the home on 30 November 2023.
7. 32 Sudbury Drive 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).

Background

8. The applicant has advised that *“the County Council has a 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 local and national context of a significant rise in numbers of children needing local authority care.*
9. *“The County Council seeks to develop a range of new children’s homes within Nottinghamshire to meet the various needs of different children. 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.”*

10. As part of the registration of a children's home with Ofsted, each premises has a Statement of Purpose which should include, amongst other matters, the range of needs of the children, details of healthcare or therapy if provided and an explanation of the structure of the home.

Planning history

11. Planning permission was granted in September 2021 (application reference 4/V/2021/0386) for use as a small (2-bed) home for children in the care of the local authority (including alteration of the front drive) for a period of two years. Condition 10 states:

This permission is granted for a time-limited period of two years from the date of the commencement notified in compliance with Condition 2 of the permission. On expiry of the time-limited period use as a children's home (Use Class C2) shall cease and the property shall return to Use Class C3 Dwellinghouse unless expressly authorised by a further grant of planning permission.

Reason: In order that the CPA may assess the acceptability of the proposed use on the character and amenity of the area.

12. The use started on 10 February 2022 and consequently expires at the end of 9 February 2024. The permission allows the premises to be used as a regulated children's home and for no other purpose within The Town and Country Planning (Use Classes) Order 1987 (as amended) Use Class C2 (Condition 4), with a maximum of two children to reside at the home at any one time (Condition 5).

13. Condition 9 of the permission requires the applicant to:

a) keep a log of the date, source, nature and remedy of all complaints received; and

b) engage with and keep minutes of meetings with local residents (including a record of invitees) which shall take place at not less than 6-monthly intervals, with the first meeting to take place after one month but no later than two months following the commencement of the use notified under Condition 2 [10 February 2022].

Details of the log of complaints and minutes of resident meetings shall be provided to the CPA within one month of a written request from the County Planning Authority.

14. Rather than through formal written request, the applicant has voluntarily provided their record of each of the meetings to Planning Monitoring and Enforcement officers. The last engagement meeting took place on 28 September 2023.

15. The application considered in September 2021 also proposed to re-site the existing traffic calming measure outside the property to a location 18m to the

east, adjacent to 30 Sudbury Drive (Plan 3) in a position more evenly distanced from existing traffic calming features to the east and west, and to be provided as two traffic cushions. Relocation of the traffic calming measure would be subject to a separate process including public consultation.

16. The carrying out of the relocation of the traffic calming feature was not a requirement of the grant of time-limited permission, although NCC Highways Development Control in their 2021 consultation response pointed out that *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.*
17. Condition 3b) of the permission approved the plan showing the proposed traffic calming measures (Plan 3) although the condition expressly set out, in the context of a time-limited permission being granted, that *For the avoidance of doubt the relocation of traffic calming shown on Drawing TP2150434-002 Rev 1 does not need to be undertaken.*
18. Other conditions of the grant of planning permission required a third parking space at the front of the property to be provided with a hard surface; one electric vehicle charging point; and the provision of obscure glazing to a first-floor bedroom window in the east elevation, all of which have been carried out.

Operation of the Children's Home since February 2021

19. Operation of the children's home pursuant to the permission granted under planning reference 4/V/2021/0386 commenced on 10 February 2022. Operation of the site has given rise to issues related to traffic, parking and impact on amenity reported in representations at Paragraph 46. The applicant, in an updated planning statement, has explained that *the child who had been living at the children's home from the opening of the home until recently had to move there in an emergency and had exceptionally high needs, which did result in a higher staffing requirement. That higher staffing did lead to an increased traffic impact but it was determined to be in the child's best interests to remain in their home until the end of their care plan.*
20. *Whilst it is felt that the home can be run at this location with little impact it is recognised that the ongoing use of the home and in particular the specific and very individual care needs provided in this period had additional impacts and are inappropriate to this location. Both partners [NCC and Homes2Inspire] will ensure that children who live there in the future will have needs commensurate with the [now proposed] revised staffing model in order that traffic and parking in the vicinity associated with the home do not have excessive impact on residents.*
21. In response to the representations received and through discussion with officers regarding traffic and amenity impacts that have arisen, the applicant has reviewed the way in which the home has operated and how it is now intended to operate going forward.

22. A different child has been placed at the home since 30 November 2023 (Paragraph 6). The applicant states that a further grant of planning permission would provide greater stability for a child or children that might be placed at the children’s home.

Proposed Development

23. Permission is being sought through section 73 of the Town and Country Planning Act 1990 to remove the time-limiting restriction of Condition 10 of planning permission 4/V/2021/0386 to allow the continuing and permanent use of the property as a two-bed home for children in the care of the local authority.
24. To address traffic and parking issues and arising amenity impacts that have been the principal matters of concern, the applicant is proposing a revised staffing model for the children’s home. The original application proposed, in terms of staff/traffic generation, a mid-afternoon double staff handover, a home manager (covering two homes) present during the day 50% of the time, and a house pool car.
25. The staff model now proposed is to have one full-time manager or deputy manager present along with two care-workers (one of the care-workers being present 50% of the time) and in addition, the house pool car. The full-time care worker would work a 25-hour shift with a mid-afternoon handover. A second staff member would work an evening/night shift arriving for 21:00 hours and leaving at 08:00 hours, outside of the hours worked by the children’s home manager. The applicant suggests that this would have a beneficial impact on traffic as there would be two staggered change-over times rather than one in any day, meaning there would only be one additional worker changing shift rather than two at those points. For comparison, the originally proposed staff pattern (‘Original staffing model – Monday-Friday’), and that now proposed (Revised staffing model – Monday-Friday’), are shown in *Figure 1*.

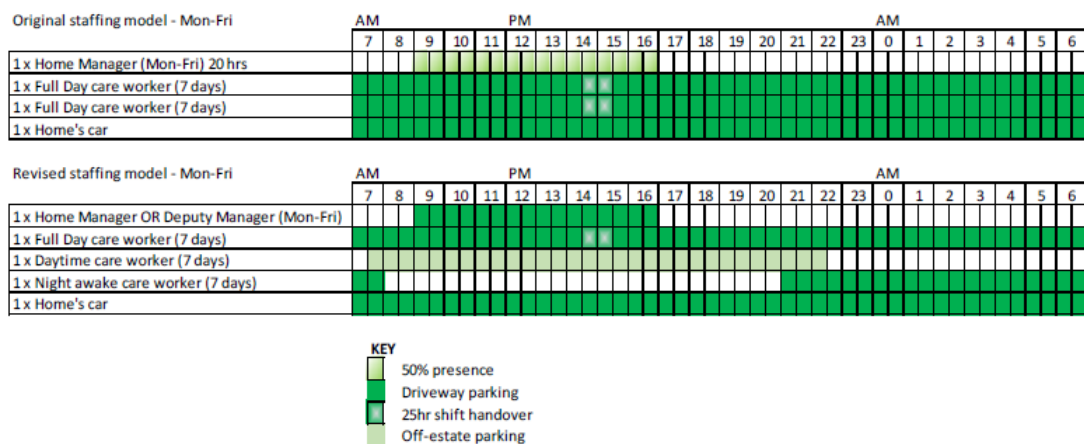


Figure 1.

26. The applicant states that *Staff would continue to be encouraged to travel without cars, which is quite possible for the many locally based staff. In order to*

minimise the parking impact on the estate, car parking which can be pre-arranged has been identified within a few minutes' drive from the home. Staff not parking on the drive would be collected by pool car or transfer by taxi.

27. *Where the first child's needs made it impossible, consultations between professionals and subsequent children will, wherever possible, be held offsite. Where it is necessary for visitors to come to site, e.g. to inspect the home or where home tutoring is needed, this will be planned to minimise traffic with arrangements made such as collection from nearby public car parks or the pre-arranged parking. Huthwaite Market Place, for example, is just 4 minutes' drive. Deliveries, repairs and maintenance visits will be permitted [associated vehicles would park on the highway in proximity to the children's home], much as they would with the family homes on the estate. The applicant has suggested that a full-time manager would be able to closely monitor both the home operation and its associated traffic. It is understood that all visits to the children's home by support services (visitors rather than house staff) would be pre-arranged, so associated parking would be able to be controlled and also recorded.*
28. The applicant has acknowledged the suggestion by Ashfield District Council of a further time-limited permission for two years, which would allow the applicants to demonstrate compliance with the revised staffing model.
29. The applicant has referenced the possible need to relocate the traffic calming feature on the highway from in front of the property. The applicant points out that this was not required to be implemented by the permission originally granted. It is not proposed in this application but the applicant would act on the findings of a review by NCC Highways Development Control of the need for this, should it be required as a condition of a further grant of planning permission.

Consultations

30. **Ashfield District Council** – Recommend a further permission being time-limited for a period of two years. *Ashfield District Council previously raised concerns in the consultation response to application reference V/2021/0386, in respect of potential impacts upon the amenity of neighbouring properties and recommended a refusal of planning permission. The County Council subsequently granted planning permission subject to conditions. It is therefore considered that the principle of development is established. It is understood that a number of complaints and concerns have been raised by neighbouring properties in respect of this use. Ashfield District Council wish to raise concerns in respect of the removal of Condition 10 and would suggest a further time period would be appropriate.*
31. **NCC Highways Development Control** – Recommends that Condition 10 is not removed, but that the permission is given a 2-year extension with an appropriate planning condition covering a protocol being submitted for the management and recording of visitor related traffic in terms of purpose, duration of stay, mode of travel, and parking arrangement, to help monitor activity and demonstrate compliance with the revised business operating model.

32. *The Highway Authority does not consider that this proposal will significantly impact on highway safety or network capacity. The Highway Authority can only object to a proposal on explicit grounds. Government guidance is very specific and only allows development to be prevented or refused on highways grounds, if there would be unacceptable impact on highway safety or the cumulative impact on the road network would be considered severe (NPPF paragraph 115). Unfortunately, this national requirement sets a very high threshold which must be crossed for a planning application to be refused on highway grounds.*
33. *The Highway Authority has reviewed this proposal many times and undertaken several site visits because of the alleged nuisance parking that neighbours appear to be experiencing from this home for vulnerable children. It should be noted that no nuisance/obstructive parking or intensified use was observed by the Highway Authority at the time of their independent visits.*
34. *However, in June 2023 the Highway Authority requested the applicant to clarify the actual traffic generation and associated parking from its employees/staff/carers/callers, as the anecdotal evidence suggested on street parking was exceeding the levels that were originally presented by the applicant in August 2021.*
35. *The Highway Authority understands that the number of staff required for the home is dependent on the needs of the children in care, as children with higher complex medical needs or severe disability etc. will need more carers or attention than those requiring standard loco-parentis care.*
36. *In commenting on the 2021 application the Highway Authority considered a maximum of 6 vehicles in attendance could be safely and adequately accommodated by the property's 3 off-road parking spaces, with 2-3 vehicles being considerably parked nearby on the street. Overall impact to adjacent residents, who have the benefit of their own drives for parking, should have been minimal. Especially, considering the property is located opposite an open space/park area with no frontage development/individual drives. This area is uniquely different to most streets, as there is additional available space adjacent to the kerb-line opposite to accommodate residents/their visitors/any overspill parking without causing too much inconvenience/conflict in the neighbourhood.*
37. *There are no reported accidents in the area and sufficient opportunity for overspill parking, (above the 3 in-curtilage drive spaces provided), to park safely without causing obstruction to other residents' drives. The road network in this area is the normal standard width of 5.5 metres with localised widening on bends. This width provides sufficient space for travelling vehicles to pass parked vehicles giving priority to any on-coming vehicle if the parked car is on the same side of the road.*
38. *General commentary is provided on parked vehicles slowing traffic, considerate parking, obstruction of private driveways and the Highway Code.*
39. *The applicant has submitted its recorded parking demand data for the current operation [first child placement] as required by Condition 9 of 4/V/2021/0386.*

This has showed the operational workforce and levels of management have increased from the figures presented in the initial assessment. The data has indicated that the child referrals admitted during the initial 2 years required greater staff and multi-agency support because of their condition or circumstances. The Highway Authority expects there is a direct correlation between vehicles in attendance and the level of support staff, especially if the child referred has composite needs. Although this type of childcare and safeguarding service is essential in the community, the Highway Authority has advised that this level of vehicle activity imposed on the neighbours has been contrary to the operation originally assessed and granted planning permission.

40. *To lessen the amenity impact of the residential area in terms of staff attendance, associated vehicle activity and disturbance the home should be managed, as much as possible, so the referrals have fewer complex needs and require a lower-level of support. This will assist in minimising the number of operational and residential staff attending the home.*
41. *The subsequently revised business operation model submitted in November 2023 proposes measures to control and minimise the number of vehicles and support staff attending the site daily. Parked vehicle activity is more akin to the initial proposal considered in August 2021. Proposed deliveries and normal visits for repairs and routine maintenance are acceptable, much as they would be with any other neighbouring property on the estate.*
42. *The Highway Authority considers that the relocation of the traffic calming feature will not be necessary, as the property has been operating for 2 years without specific issues relating to the speed hump. More importantly the engineered feature ensures any vehicles passing/approaching this area must slow down to between 10-15mph to cross the ramp, which makes the environment safer for vehicles exiting drives and any vulnerable highway users such as pedestrians and cyclists. In addition, the independent Road Safety Audit (RSA) carried out by VIA EM Ltd in 2021 concluded there would be no additional highway safety benefit achieved by the suggested relocation.*
43. Attention is drawn to the legal responsibility (s154 - Highways Act 1990) to ensure that 'public highway' adjacent a property is not obstructed by vegetation from a garden. Any obstructions to normal visibility from nearby overhanging hedges/trees/landscaping area need to be addressed through regular maintenance by the adjacent property owners.
44. **Police Force Architectural Liaison Officer** – No objection. *It is recognised that this is an established provision.*

Publicity

45. The application has been advertised by site notice and neighbour notification in accordance with the County Council's Adopted Statement of Community Involvement.

46. All 55 addresses that made individual representations on the original application in 2021 were notified of this application when it was first advertised in May 2023. The representations reported at Paragraph 46 were received at this time from 10 residents of 7 households on Sudbury Drive (4), Whitegates Way (2) and Keddlestone Close raising objections on the following grounds:

Location

- a) Inappropriate location (7) to support the needs of the home (2). 10-15 minute walk from public transport and local amenities. Negative impact on the estate (2). Unsuitable location next to a play park (2). Estate residents are asked to consider the benefits of the setting on the home, but what impact has the home had on the setting of the estate (2).

Traffic/Parking

- b) Inadequate provision for the needs of visiting vehicles – employees/emergency vehicles/visiting individuals (3). Constant stream of visiting vehicles and emergency services (2).
- c) More cars than originally proposed. 6 cars parked (3) for the majority of the day, most days and this doesn't include emergency services (2). Too many vehicles/up to 8 cars at the home (2). Staff parking/number of vehicles attending the home continues to be an issue. Staff and visitors park elsewhere on the estate.
- d) Additional traffic through the estate.
- e) More parking for meetings with additional staff on duty.
- f) The property is being used as a hub as the number of vehicles a day is disproportionate to support the needs of one resident (2).
- g) Available parking between the driveways is minimal, on narrow roads so visitors park all over the estate (2).
- h) Parking reducing carriageway width (2). Parking affecting visibility (3) at the bend in the road. Parked cars obstructing vehicles reversing off drives/access to property (4). Parking on pavements blocking safe pedestrian use. Concern about being able to access own drive (2).
- i) Nightly visits of emergency vehicles for months (2). Vehicles/emergency response blocking the street (4).

Amenity

- j) Impact on residential amenity (3). Disruption from emergency response and vehicle movements (2).
- k) Noise disturbance (3). Loss of privacy (3) from talking or a physical disturbance at the property (2).

- l) Loss of amenity to neighbours from overheard challenging behaviour. Impact of subjects discussed on neighbours with young children.
- m) Staff/visitors smoking outside neighbouring houses and play park during breaks (3).
- n) Traffic is impacting use of the play area.

Operational issues

- o) Concerns over care of the resident (4). Physical restraint raises concern for the resident (2).
- p) Improvements following consultation meetings are short lived and take a long time to resolve (2). There are less occurrences of ambulances in attendance (for the first 6 months there were between one and 3 ambulances daily and police cars too) but no certainty this will not occur again.
- q) Not convinced that incidents are a one-off / could be no change or greater impact with a new resident (3). An experienced operator would not have allowed incidents to occur.
- r) High staff turnover (2). Limiting parking affects staff recruitment. High staff turnover impacts quality of care.
- s) Some staff are more courteous, some less so through parking and cigarette littering (2).
- t) Excessive need for emergency response attendance (2).
- u) A reduction in disturbances may have been in preparation for the planning application (2).
- v) Impact on mental health of residents over uncertainty of the operation and staffing changes (2).
- w) Will the engagement meetings end? The need for constant monitoring of a neighbouring home and engagement meetings is not usual (2).

Other Matters

- x) Loss of value.
- y) Not good value for the tax-payer.
- z) Seeking Council tax reduction.

47. Those neighbours who submitted representations, in addition to properties in the immediate vicinity of 32 Sudbury Drive, were notified in December 2023 of the revised proposal presented for determination. One further response has

been received questioning why the original proposal in 2021 was approved in light of '200' objections.

48. Councillor Tom Hollis has objected to this application as originally submitted raising the following matters, with no additional comments having been received following re-notification of the revised proposal:
- a) The previous approval was granted despite almost 80 letters of objection and a 214-name petition.
 - b) Inadequate parking and traffic generation. The number of vehicles associated with the use exceeds that in the original proposal (with strong evidence of up to 8 vehicles present) looking after one resident. More disruption than originally anticipated.
 - c) Use of the property in practice has caused increased traffic and parking congestion. Several cars are parked at any one time.
 - d) Re-location of existing highway traffic-calming from outside the house has not happened, increasing highway safety concern.
 - e) Adverse change to the character and amenity of the area with adverse impact for residents on Sudbury Drive and the Whitegates Estate.
 - f) Overlooking/loss of privacy from the rear of the property.
 - g) More disruption than originally anticipated – emergency response services.
 - h) Challenging behaviour. Noise and disturbance resulting from the use.
 - i) Use as a storage facility and office, not connected to the specific needs of the resident of the Children's Home adding to the number of visitors and comings and going from the property.
49. The issues raised are considered in the Observations Section of this report.

Observations

50. The proposed development is for the continued use of 32 Sudbury Drive as 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. The property would continue to operate as a regulated children's home, registered with and subject to inspection by Ofsted.
51. 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.
52. 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 Nottinghamshire Highways Design Guide was adopted by the County Council in 2021.

Suitability of the Location

53. A letter from the Chief Planner (May 2023) draws attention to a written ministerial statement issued by the Housing Minister on planning for accommodation for looked after children, setting out that the planning system should not be a barrier to providing homes for the most vulnerable children in society.

The purpose of the statement is to remind local planning authorities that, as set out in Paragraph 62 of the National Planning Policy Framework, local planning authorities 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.

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.

In two tier authorities, we expect local planning authorities to support these vital developments where appropriate, to ensure that children in need of accommodation are provided for in their communities.

54. The 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 use is distinguished from use as a dwelling (Use Class C3) through occupation of the property not being as a family unit/single household, with the children resident not being self-sufficient and requiring care.
55. 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, 32 Sudbury Drive is of relatively small scale, and the application seeks to continue to provide a home for a maximum of 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.
56. The applicant has reviewed the way in which the children's home has operated under time-limited planning permission 4/V/2021/0386. It has been accepted by the applicant that the child originally placed had higher needs requiring a different staffing model and a greater number of staff to be present or needing to attend than was proposed in September 2021. Many of the representations received are based on that staffing model and the child placement in practice, but is not the development now being presented for determination. The proposal, in terms of staff numbers present, would be similar to that originally proposed and reported to Committee in September 2021 with staggered staff hand-over to reduce the amenity impact of highway traffic. The child or children to be placed would be matched to the proposed staffing model, rather than the needs of the placed child/children determining staff requirements. All persons supporting the needs of the child or children, other than house-staff, would be visiting the children's home by pre-arranged appointment, and the proposal seeks to eliminate parking by visitors at the property by collecting and returning those visitors from off-site locations using the house pool car or journeys by taxi. It is noted that no representations of substance have been received following the December 2023 neighbour re-notification of the revised proposal after a different child was placed at the children's home (30 November 2023).
57. 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. The time-limited permission granted under permission reference 4/V/2021/0386 was intended to demonstrate how the children's home could operate and its impact on the character of the local environment. The permission also included,

through liaison meetings, an opportunity for local residents to raise issues of concern. Use of the property as a care home for one or two children in care, in a home setting, with correct management practices in place, could operate in a way not unlike a normal household. There may be occasional disruption although there is a reasonable expectation that matters arising should be controlled through responsible parenting. In this instance the County Council is the corporate parent.

58. The applicant identified as part of the original application that there would be regular daily comings and goings by staff at the shift hand-over time (Paragraph 24). The number of vehicles associated with use as a care home has been a matter raised at resident liaison meetings and in representations, based on experience of how the children's home has been operated. While the majority of car parking could be expected to take place off-street at the property and on the adjacent highway, parking may also have taken place nearby, not dissimilar to what happens elsewhere in a residential area. On a general point, it has been noted that there is more on-street parking taking place on the residential estate than when the original application was considered in the summer of 2021 and may reflect more activity and visiting associated with the end of Covid restrictions on movement.
59. Parking on the public highway without impacting on highway safety or capacity and in accordance with the Highway Code may not be unacceptable, and while parking outside another property may be a source of annoyance to neighbours, the planning consideration is whether it causes significant detriment to residential amenity. The planning system operates to safeguard public interest not the interests of individuals, and the issue to be considered in determining the application is whether the use as a children's home causes a significant degree of harm and detriment to the character of the area such that planning permission should be refused. Considering the character of the development, the location of a small-scale care home on a housing estate would not be out of character or inappropriate in a residential area.
60. NPPF Paragraph 135 advises that planning decisions should ensure that developments will function well and add to the overall quality of the area; and *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*. The Police have not objected to a continuation of the use.
61. The representations received question the suitability of the location for a child in care and the proximity of the home to local services (Paragraph 46a)). The property is in an urban area on an established residential estate. With occupation of the small children's home not dissimilar to occupation of a dwelling, the cared for children would have the same access to community facilities, services and public transport as other children living on the housing estate. The distance from Huthwaite town centre, bus stops and the library are set out in Paragraph 7.

62. In land use terms the principle of a small children's home on a residential estate that has not required significant extension or alteration to accommodate the use and so retains the appearance of dwelling is considered to be acceptable in principle, although detailed consideration needs to be given to the traffic and amenity impacts arising from operation of the use.
63. The facility would operate and be managed in accordance with established child-care practice and has been registered with Ofsted with a rating of Good. Other procedures and controls are in place that govern the management and operation of a children's home. Furthermore, NCC as corporate parent can influence operation of the use. In determining this application, the planning issue is whether the proposal is an acceptable use of land in this location, and whether any impacts, in this case traffic and amenity issues, need to be controlled through planning conditions that can be effectively enforced. Compliance with relevant development plan policy has already been considered in determining the application in 2021. Subject to consideration of traffic and amenity impact, it is considered that the proposed location can be acceptable without adversely affecting the character and quality of the area in compliance with Ashfield Local Plan 2002 (ALP) Saved Policy ST1 – *Development*, and in terms of scale ALP Saved Policy HG8 – *Residential Care Facilities, Houses in Multiple Occupation, Bedsits, Flats and Hostels*.

Traffic and Highway Impact

64. Based on the implementation of a travel protocol by the applicant to control the arrival of visitors supporting the needs of the child/children in care, it is considered that the traffic associated with the use would not be dissimilar to that associated with a residential property and does not give rise to concern over highway safety.
65. 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). Officers have witnessed a small number of cars and vans parked on the Sudbury Drive/Whitegates Way estate loop during the day. As house plots each have several on-site parking spaces, notwithstanding the observed increase in parking on the highway within the estate (Paragraph 58), there is still relatively little on-street parking occurring and there is scope to park on the road without causing obstruction of drives or restricting access to service or emergency vehicles. 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.
66. 32 Sudbury Drive can be accessed by vehicles from two directions (Plan 4). The choice of route travelled to properties on the estate is likely to be determined by the shortest and most convenient route. Plan 4 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.

67. The applicant has acknowledged that there have been traffic generation issues related to the way in which the children's home at 32 Sudbury Drive has previously operated and seeks to address this by exercising greater control over planned visits that support the needs of the child or children. It is recommended that the home should operate in accordance with a travel protocol, the detail of which will need to be agreed within one month, should planning permission be granted (Condition 4).
68. The possible relocation of traffic calming on Sudbury Drive was proposed in the 2021 application, but expressly not required to be undertaken as set out in Condition 3 of the permission. NCC Highways Development Control has commented (Paragraph 42) that the greater amount of traffic associated with the way in which the children's home has operated since February 2022 has not given rise to specific issues relating to the speed hump, concluding that there would be no additional highway safety benefit achieved by the suggested relocation of the traffic calming feature. Although shown on a plan referenced in recommended Condition 2, the condition expressly states that the traffic calming indicated does not need to be undertaken.
69. It is concluded in the consideration of highway matters that the way in which the applicant is to operate the children's home set out in the application would not adversely affect highway safety compliant with Ashfield Local Plan 2002 (ALP) Saved Policy ST1 – *Development*.

Time-Limited Permission

70. A time-limited permission was previously granted so that the impacts of the use in operation could be assessed. However, as the home operated in a manner different to that originally intended through the placement of a child needing greater support, it is not considered that traffic and amenity impact during the initial time-limited period truly reflects what the applicant originally intended in 2021 and is now proposed. The placing of a child with greater needs was done by the applicant as a matter of urgency and with best intentions, with the interests of the child foremost, and to have subsequently relocated the child again could have been more disruptive. The applicant has acknowledged the impact of placing children with greater needs and is proposing a revised staff model and travel protocol for the home. Although a different child has now been placed at the children's home it is considered that additional time is needed to see what amenity impacts may arise. To demonstrate that the now proposed model can operate without adverse impact on the amenity of the area it is recommended that, rather than remove Condition 10 of the original planning permission, planning permission is granted subject to a new condition (Condition 1) to allow the children's home to operate until 31 January 2026. There may be concern that the applicant may not operate in accordance with the protocol suggested for visitors attending to support the needs of a placed child or children (Paragraph 56), and strengthens the need for a continuing

permission being granted for a time-limited period in order to show that the use can operate without adverse impact on the amenity of the residential estate.

Amenity

71. 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.*
72. Having regard to the location of 32 Sudbury Drive on the estate, it has been observed that there is little passing traffic. Whilst people living on the estate could walk to the adjacent amenity area either to play or walk dogs, there may be occasions where that journey is made by car. A few 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.
73. Notwithstanding the change of use, 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 an appeal¹ 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.
74. Work to obscure glaze a first-floor window, a condition of the 2021 permission, has already been carried out to address a potential threat to privacy of the neighbouring occupier.

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

75. As in the 2021 grant of planning permission, it is recommended that the maximum number of children in residential care at the premises should be limited to not more than two (Condition 3). 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 1).
76. 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 – *Residential Care Facilities, Houses in Multiple Occupation, Bedsits, Flats and Hostels*.

Observations on Representations

77. The representations received are based on the way in which the home has operated since February 2021 until mid-2023. Although making relevant observations on the past operation, Members should consider the likelihood of the matters identified continuing based on how the applicant now intends to operate the premises.
78. Representations received draw attention to the number of vehicles attending the home having exceeded that originally proposed (Paragraph 46c)) with up to 8 cars at the home reported. A record is kept of visitors to the children's home. The home will be able to use the log of visits to demonstrate compliance with the traffic protocol subject of recommended Condition 4. It is recommended that the resident liaison meetings continue for the duration of the time-limited permission, providing a forum for residents to raise concerns (Condition 6).
79. Both NCC Highways Development Control and Planning Monitoring and Enforcement officers have been monitoring, in passing, the number of vehicles parked on the highway in proximity to the property. The number of vehicles parked has been observed to not be excessive such as to significantly change the character of the area. Furthermore, it has been noted that on-street parking at nearby properties may be attributable to caravans and the like being parked on house driveways occupying spaces that may otherwise be used to park off the highway. Throughout the estate it has also been noted that there is generally more day-time on street parking which may be a reflection of greater home working, or visits from services or socialising since the lifting of Covid lockdown restrictions.
80. Although representations have been based on past operation it is considered that, with effective control measures in place and the correct placement(s) to match the staffing model, the anticipated in-comings and out-goings from the property would not significantly differ from its occupation as a dwelling, would not significantly alter the character of the property, or give rise to a detrimental change to the character or amenity of the area.
81. Child welfare has been raised in representations. The County Council is responsible for children in its care, but the welfare of the children is not a

material consideration to the determination of this planning application. 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. 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.

Other Matters

82. Loss of value to property and whether the development represents value to the public purse are not material planning considerations in the determination of the acceptability of the proposed use of land.

Recommendation Summary

83. Although this application seeks to remove Condition 10 of the September 2021 planning permission, the recommendation is that in granting permission a further condition should be imposed to time-limit use of the property as a children's home until 31 January 2026 so that the applicant can demonstrate that the use can operate in this location without unacceptable harm to amenity and highway safety.

Other Options Considered

84. 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

85. 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

86. The police have not raised matters of concern in their consultation response.

Data Protection and Information Governance

87. 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

88. 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, should it be required.

Human Rights Implications

89. 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

90. The premises would need to comply with Part M of the Building Regulations (Access to and Use of Buildings). Appropriate modifications may need to be made to meet the requirements of staff or service users. Satisfactory level access can be provided to the rear of the property involving minor changes to provide a ramp to replace a step if required. Other modifications required may include internal works that fall outside the remit of a planning application.

Human Resource Implications

91. The proposed staffing model is set out in the report.

Safeguarding of Children and Adults at Risk Implications

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

Implications for Service Users

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

Implications for Sustainability and the Environment

94. These have been considered in the Observations section above.

Statement of Positive and Proactive Engagement

95. 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

96. 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.

DEREK HIGTON

Interim Corporate Director - Place

Constitutional Comments

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference set out in the Constitution of Nottinghamshire County Council

[JL 16.01.2024]

Financial Comments

The financial implications are set out in Paragraph 88 of the report. The applicant would be expected to cover all reasonable legal costs incurred by the County Council in making an order to relocate highway traffic should it be required.

[PAA29 08.01.2024]

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=V/4529

Electoral Division and Member Affected

Sutton West

Councillor Tom Hollis

Report Author/Case Officer

David Marsh

0115 9932574

For any enquiries about this report, please contact the report author.

V/4529

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RECOMMENDED PLANNING CONDITIONS

1. This permission grants use of the premises as a regulated children's home and for no other purpose within The Town and Country Planning (Use Classes) Order 1987 (as amended) Use Class C2 for a time-limited period which shall expire on 31 January 2026, after which the permitted use shall cease and the property shall return to Use Class C3 *Dwellinghouse* unless expressly authorised by a further grant of planning permission.

Reason: For the avoidance of doubt as to the development that is permitted and in order that the CPA may assess the acceptability of the use in operation on the character and amenity of the area.

2. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application, supporting documents, and the following plans:

(a) Location Plan received by the CPA on 27 April 2021;

(b) Proposed Layout (Drawing TP2150434-002 Rev 1) received by the CPA on 30 July 2021.

For the avoidance of doubt the relocation of traffic calming shown on Drawing TP2150434-002 Rev 1 does not need to be undertaken.

Reason: For the avoidance of doubt as to the development that is permitted.

3. No more than two children in care shall reside at the premises at any one time.

Reason: For the avoidance of doubt as to the development that is permitted.

4. Within one month of the date of this permission, a travel protocol setting out how visitors are to attend the premises reflecting the applicant's statement supporting the application shall be submitted to and approved in writing by the CPA. The travel protocol shall include the proposed means of recording of all attendees entering the children's home by staff, visitors supporting the needs of the child/children, and other visits (such as for property maintenance); mode of travel; where parked; and (except for the children's home staff) means of being transported from satellite parking. The development shall only operate in accordance with the approved travel protocol, or any subsequent amendment that may have first been approved in writing by the CPA.

Reason: To put into practice a means of limiting vehicles attending the children's home and recording its effectiveness in the interest of safeguarding the character and amenity of the residential area in the vicinity of 32 Sudbury Drive in compliance with Ashfield Local Plan 2002 Saved Policy HG8.

5. The first-floor window in the east elevation of the property shall be retained obscure glazed or otherwise treated to the written satisfaction of the CPA to remove a direct view into the facing window of 30 Sudbury Drive throughout the life of the development.

Reason: To safeguard the privacy of the neighbouring occupier in compliance with Ashfield Local Plan 2002 Saved Policy HG8.

6. The applicant shall:

- a) keep a log of the date, source, nature and remedy of all complaints received; and
- b) engage with and keep minutes of meetings with local residents (including a record of invitees) which shall take place at not less than 6-monthly intervals, with the first meeting to take place after one month but no later than two months of the date of this permission.

Details of the log of complaints and minutes of resident meetings shall be provided to the CPA within one month of a written request from the CPA.

Reason: To record instances that may impact on the residential amenity of the area.

Informatives/notes to applicants

1. With reference to Condition 6, the log of complaints and minutes of resident meetings should be included to evidence how the children's home has been operated when submitting an application to continue the permitted use time-limited by Condition 1.
2. Children's home staff should park in on-site parking spaces when available rather than on the highway carriageway.