

Meeting: Planning and Rights of Way Committee

Date: Tuesday 30 January 2024 (commencing at 10:40am)

**Membership:****COUNCILLORS**

Mike Quigley MBE (Chairman)  
Jim Creamer (Vice Chairman)

Mike Adams	Andy Meakin
André Camilleri	Nigel Moxon ( <b>apologies</b> )
Robert Corden	Philip Owen
Sybil Fielding ( <b>apologies</b> )	Francis Purdue-Horan
Paul Henshaw	Gordon Wheeler
Rachel Madden ( <b>apologies</b> )	

**SUBSTITUTE MEMBERS**

Pauline Allan for Sybil Fielding  
Richard Butler for Nigel Moxon

**OFFICERS AND COLLEAGUES IN ATTENDANCE:**

James Lavender	-	Democratic Services Officer
Neil Lewis	-	Team Manager, Countryside Access
Jaspreet Lyall	-	Solicitor and Legal Advisor to the Committee
David Marsh	-	Major Projects Senior Practitioner
Jonathan Smith	-	Interim Group Manager - Planning

**PUBLIC SPEAKERS IN ATTENDANCE:**

Beth Downing	-	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 (Item 6)
Councillor Tom Hollis	-	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 (Item 6)

## **1. MINUTES OF THE LAST MEETING**

The minutes of the last meeting held on 7 November 2023, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

## **2. TO NOTE THE REPLACEMENT OF COUNCILLOR SAM SMITH WITH COUNCILLOR GORDON WHEELER**

### **RESOLVED (2024/01)**

That the appointment of Councillor Gordon Wheeler to the Planning and Rights of Way Committee for the remainder of the 2023/24 municipal year, be noted.

## **3. APOLOGIES FOR ABSENCE**

Sybil Fielding	-	other reasons
Rachel Madden	-	illness
Nigel Moxon	-	other county council business

## **4. DECLARATIONS OF INTERESTS**

No declarations of interests were made.

## **5. DECLARATIONS OF LOBBYING**

No declarations of lobbying were made.

## **6. 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 – 32 SUDBURY DRIVE, HUTHWAITE, SUTTON-IN-ASHFIELD**

David Marsh, Planning Applications Senior Practitioner, introduced the application and gave a presentation which included the following information:

- The planning history of the site and details of the site location;
- The operational history of the site since it had been made into a children's home;
- Nottinghamshire County Council's (NCC) Highways Development Control's assessment of the impact on traffic levels resulting from this application;
- One additional letter of objection not included in the published report was received from a neighbour on the grounds that their residential amenity was disrupted by the residents of the property but noted that it had improved;
- Relations with neighbours since the children's home had been in operation;

- It was recommended that permission should be granted for a further two-year period to expire on 31 January 2026 in order that potential impacts in the longer term could be monitored, with a travel protocol for visitors in place and with resident liaison meetings continuing so that matters of concern locally can be raised and addressed.

Beth Downing, on behalf of the applicant (Nottinghamshire County Council and Homes2Inspire), spoke in support of the application and raised the following issues:

- There was a desperate need for more good quality children's homes in good communities due to the increasing number of children going into the care of local authorities;
- Ofsted has rated the home as Good, and although there had been some initial challenges for staff in dealing with previous residents with complex needs there are no plans to move children with similar levels of need into this home in future. No adverse impacts had been reported by neighbours in more recent times;
- The staff at the home aim to park away from the home and hold meetings off-site;
- There are 974 children in care in Nottinghamshire, with 219 residing in Ashfield. 37 children live in residential homes, 4 of which reside in Ashfield. There were not enough foster carers with Nottinghamshire, hence the need for residential homes like this to keep Nottinghamshire children within the county and close to their families and friends;
- At a national level, 80% of children in care come from families where they have experienced domestic, alcohol or substance abuse, often all three at once. These children were the victims of abuse and care homes like this one were important in keeping them safe.

Councillor Tom Hollis, the County Councillor for Sutton West, spoke on the application and raised the following issues:

- Whilst he agreed with the principle of the care home and that it was the right approach for looking after children in care by moving away from large-scale, institutional children's homes, Sudbury Drive was not an appropriate location for a care home. The property was not in a central location in Hucknall and it was too far from local transport links (the nearest bus-stop was a 15-minute walk away);
- There had been 80 ambulance visits to the property and 50 police visits. Residents of this area were not used to having this level of emergency vehicle presence;
- There were also multiple parking problems connected to the property, with sometimes eight to ten vehicles being parked close to the property for the purposes of visiting the property;

- Ashfield District Council's planning department had recommended refusal of the application due to the impact upon the amenity of neighbouring properties.

Jaspreet Lyall, Nottinghamshire County Council (NCC) Solicitor and Legal Advisor to the Planning and Rights of Way Committee addressed Members about why the planning application was referred to this Committee. The application was referred to the Committee under Regulation 3 of the Town and County Planning General Regulations 1992 that "*an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, shall be determined by the authority concerned, unless the application is referred to the Secretary of State under section 77*". He reiterated the point that the Committee shall determine the application and that the Committee did not have a choice.

During the debate, Members raised the following issues:

- Members expressed approval for the use of high-quality housing for children's homes;
- Members noted that emergency vehicles would turn up to the homes of foster carers as much as they would for official children's homes;
- Members queried why the traffic calming measure (speed hump) outside the property was not moved despite traffic concerns raised as part of both applications;
- Members believed that clear communication between the Council, the care home provider and neighbouring residents would ensure that children in care will be more integrated within the community. They also felt that NCC's Children and Families department were extremely professional and sensitive to the needs of the residents;
- Members felt that the parking arrangements were appropriate;
- Concerns were raised about the amount of emergency vehicles visiting of the site was negatively impacting the neighbouring residents and that the improvement to the residential amenity was only due to the change of the resident in care.

In response to queries from Members, the Planning Applications Senior Practitioner clarified:

- In reference to Paragraph 30 of the report, Ashfield District Council's refusal of planning permission was relating to the September 2021 planning application. With regards to this application, Ashfield District Council recommended a grant of further permission for a time limited period of two-years;
- When the previous planning application was put forward, the Applicant proposed to move the traffic calming measure from outside the property to a

space equidistance between two of the features on the road. As a two-year permission, it was felt that this relocation was not needed due to the length of the original permission. The NCC Highways Development Control commented 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, hence there was no additional highway safety benefit from relocating it.

**RESOLVED (2024/2):**

- 1) To approve the grant of Section 73 Planning Permission for the removal of the time limiting restriction on 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.

**7. DEVELOPMENT MANAGEMENT PROGRESS REPORT**

Jonathan Smith, Interim Group Manager for Planning, introduced the report.

**RESOLVED (2024/02):**

- 1) That the Development Management Progress Report be noted, with no additional actions required in relation to its contents.

There being no further business, the Chairman closed the meeting at 11:41am.

**CHAIRMAN**