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Our reference:
Your reference:
Date: Wednesday, 10 July 2024

To all Members of the Planning Committee

Dear Councillor

Planning Committee – Thursday, 11 July 2024

The following is a schedule of representations received after the agenda for the Planning Committee was finalised.

Yours sincerely



Gemma Dennis
Monitoring Officer

AGENDA

4. Planning Applications (Pages 1 - 16)

The report of the Director – Development and Economic Growth

Membership

Chairman: Councillor R Butler
Vice-Chairman: Councillor R Walker
Councillors: S Calvert, J Chaplain, A Edyvean, S Ellis, E Georgiou, S Mallender, D Mason, C Thomas and T Wells

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24/00476/FUL

Applicant Mr Joseph Rafter

Location 14 Barry Close, Radcliffe On Trent, Nottinghamshire

Proposal Proposed Change of use from C3 dwelling to C2 childrens residential care home

Ward Radcliffe On Trent

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Objection
RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- The home would be run by a company that has issues with anti-social behaviour in Bingham
- Reduction in house prices
- Health impacts on local residents

PLANNING OFFICERS COMMENTS:

The agent has advised that the company does not have a home in Bingham.

Matters of devaluation of property values and amenity impacts are addressed within the officer report.

2. **NATURE OF REPRESENTATION:** Objection
RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- Out of character with residential area
- Contravenes deeds and covenants
- Application inaccurately reflects parking needs – no provision for visitors - 3 narrow tandem spaces on bend and near junction impact on potential increase

- for demand of emergency access and lack of visibility
- Noise and impact on amenity
 - Devaluation of properties
 - Lack of consultation
 - Inadequate safety measures (CCTV) and no manager on site daily.
 - Inadequate infrastructure of specialised care
 - Potential increase in demand for emergency services placing additional strain on local resources
 - Risk to vulnerable local residents – elderly and children
 - No consideration of alternative and better locations
 - Overdevelopment of the plot

PLANNING OFFICERS COMMENTS:

Matters of impact on character of the area, deeds and covenants, parking provision and highway safety, consultation, devaluation of properties, impact on amenity, potential anti social behavior and over development of the plot are addressed in the officer report.

With regards to CCTV provision this is secured by condition 5 of the officer recommendation report.

Regarding alternative or better locations for the proposal the application has to be assessed on its own merits and site circumstances.

The agent has confirmed that there is no evidence that the children's home would need any greater access to emergency services than the residential property. It should be noted that the Police do not object.

3. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

Commercial enterprise increasing traffic and potential for setting precedent loss of family housing.

PLANNING OFFICERS COMMENTS

Increased traffic impacts are considered within the officer recommendation report.

Regarding the operation of a commercial enterprise this is not a material planning consideration – the proposal relates solely to the use of the property as a children's home. Given that there are no significant physical alterations to the property it could readily revert back to a C3 dwelling.

The loss of one C3 dwelling within the area would not so impact housing stock in the area to justify refusal.

4. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- Amendments still result in insufficient parking
- High levels of care and administration of the home is not typical of a normal family life
- 24 hourshifts are impractical
- Risk of children absconding and putting pressure on police resources
- A case with similar issues was refused

PLANNING OFFICERS COMMENTS

Matters of parking, the use compared to a typical family home, 24 hour shifts and children absconding are considered in the officer recommendation report.

The case referred to relates to a site in Maltby and was a certificate of lawful use which required planning permission

5. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- Increased traffic and parking issues
- Impact on amenity

PLANNING OFFICERS COMMENTS

These are considered in the officer recommendation report.

6. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- Proposal would exacerbate current on street parking at the property – pedestrian safety issues
- Professionals would need to visit the site rather than online meetings
- Lack of privacy for the children through overlooking from surrounding properties

PLANNING OFFICERS COMMENTS

Parking and highway and pedestrian safety is considered in the officer recommendation report.

The applicant has confirmed that meetings would be online with social workers visiting once every 6 weeks.

The overlooking from neighbouring properties would be no different to that experienced as a family living in the dwelling.

7. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- The use would exacerbate existing anti-social behaviour and impact on amenity
- This is not an appropriate site – parking, drug line involvement and risk to people
- This is a commercial business

PLANNING OFFICERS COMMENTS

Matters of anti-social behaviour and amenity are considered in the officer recommendation report.

In terms of this being a commercial business the proposal is for a children's home and the application has been assessed as such.

8. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- The home is unlikely to use the garage for parking and tandem parking will result in on street parking
- Manoeuvring would be compromised on the cul de sac given cars parked on the highway and children playing
- Impact on staff welfare and provision of adequate breaks and supervision of children during the night when staff are asleep
- Lack of private of outdoor space for the vulnerable children and therapists

PLANNING OFFICERS COMMENTS

Parking and highways matters are considered in the officer recommendation report.

Shift patterns and breaks for staff welfare would not be a material planning consideration.

The agent has confirmed that therapy takes place off site - The property is served by a rear garden which is considered to be of an appropriate size to serve the home.

9. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Princes Place housing developer

SUMMARY OF MAIN POINTS:

C2 use is no longer restricted by covenants following the outcome of Lands Tribunal case Muskwe & Anor v Cochrane. The developer is not in a position to enforce a breach of covenant. Consider there is no conflict between the principle of a C2 use being located within a development consented for C3 residential development, however objections are raised to any specific occupier profile which could be the source of anti-social behaviour of any kind, or that could lead to a breakdown in the social cohesion which has developed and continues to grow within the scheme as a whole.

PLANNING OFFICERS COMMENTS

Covenants are not a material planning consideration. Matters of anti-social behaviour etc and amenity are considered in the officer recommendation report.

10. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

24 hour shifts are not reasonable or suitable and dangerous and most likely illegal

PLANNING OFFICERS COMMENTS

Impact of shift patterns on the carers is not a material planning consideration. The agent has confirmed that working hours policy is in line with employment law

11. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM:

Member of the public

SUMMARY OF MAIN POINTS:

- Parking issues
- Terms of covenants and business use

PLANNING OFFICERS COMMENTS

These matters are discussed within the officer recommendation report.

12. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM:

Member of the public

SUMMARY OF MAIN POINTS:

- Documentation shows that there is a risk of a lack of experienced staff
- This is an unregulated industry with potential exploitation posing risks to the community
- It is understood that businesses of this type do not set rules and police are often involved
- Commercial need or the need for meeting quotas for placement in government organisations does not outweigh the risks posed.

PLANNING OFFICERS COMMENTS

There is no evidence of this within the submitted documentation. The children's home would be regulated by Ofsted. The agent has confirmed that rules are set within the home and police are called only in an emergency situation.

13. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM:

Member of the public

SUMMARY OF MAIN POINTS:

- Anti social behaviour
- Parking issues

PLANNING OFFICERS COMMENTS

These matters are discussed within the officer recommendation report

14. **NATURE OF REPRESENTATION:** Objection
RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- These are not suitable for a young peoples care home
- Deeds and covenant restrict business use

PLANNING OFFICERS COMMENTS

These matters are discussed within the officer recommendation report.

15. **NATURE OF REPRESENTATION:** Objection
RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- New housing estate of families with young children and park is not suitable for this type of children's home

PLANNING OFFICERS COMMENTS

This matter is discussed within the officer recommendation report.

16. **NATURE OF REPRESENTATION:** Objection
RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- Exacerbates existing anti-social behaviour in the area
- Parking is an issue

PLANNING OFFICERS COMMENTS

These matters are discussed within the officer recommendation report.

17. **NATURE OF REPRESENTATION:** Objection
RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- This is not a suitable location – there are numerous children of exploitable age in the area
- Rushcliffe lacks youth services to accommodate high need children.

PLANNING OFFICERS COMMENTS

Matters of location are discussed within the officer recommendation report. The police authority has raised no objections to the proposal

Youth services are a matter for the County Council.

18. **NATURE OF REPRESENTATION:** Objection
- RECEIVED FROM:** Member of the public

SUMMARY OF MAIN POINTS:

Potential contact of children in the home with local children

PLANNING OFFICERS COMMENTS

This is not a material planning consideration.

19. **NATURE OF REPRESENTATION:** Objection
- RECEIVED FROM:** Member of the public

SUMMARY OF MAIN POINTS:

- Proposal threatens a quiet safe village and is not in the right place – surrounded by family properties and safety may be compromised.
- Few facilities for the children in the area apart from a planned park which might attract older children and anti-social behaviour

PLANNING OFFICERS COMMENTS

The location is considered within the officer recommendation report. The Police Authority have raised no objections to the proposal.

There will be appropriate quantities of open space and play area as required to service the use of the residential properties on princes Place development

20. **NATURE OF REPRESENTATION:** Objection
- RECEIVED FROM:** Member of the public

SUMMARY OF MAIN POINTS:

- Highway and pedestrian safety
- Child safety
- Change of use not agreed with the developer
- Devaluation of neighbouring properties

PLANNING OFFICERS COMMENTS

Highway and pedestrian safety and devaluation of property are considered within the office recommendation report.

The Police have raised no objections to the proposal.

The agreement with the developer for the change of use is not a planning matter.

21. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- Inappropriate facility which disadvantages the service user and nearby residents
- Profit is being prioritised over sourcing a more suitable property

PLANNING OFFICERS COMMENTS

Appropriateness of the home and impact on residents amenity is considered in the officer recommendation report.

Profit is not a planning consideration.

There will be appropriate quantities of open space and play area as required to service the use of the residential properties on princes Place development.

22. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

Reiterates previous comments made

PLANNING OFFICERS COMMENTS

These have been considered in the officer recommendation report

23. **NATURE OF REPRESENTATION:** Objection
RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- Highways comments do not take account of the different character and function of a C2 and C3 use – increased vehicular movements through visiting staff, professional visitors, police, deliveries etc and from children being taken to school or for therapy treatment
- Challenging shift pattern for staff not a usual practice
- Impact on amenity

PLANNING OFFICERS COMMENTS

Highways matters and impact on amenity are considered in the officer recommendation report.

24. **NATURE OF REPRESENTATION:** Objection
RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- Reiterates other comments
- Residents moving to the estate were not aware that such a home might be opened nearby

PLANNING OFFICERS COMMENTS

Previous comments and the consultation process have been considered in the officer recommendation report.

25. **NATURE OF REPRESENTATION:** Objection
RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- Deeds and covenants restrict business use
- Devaluation of property
- Insufficient off street parking
- There are no details of the level of care needed by the children or liberties they will be given

PLANNING OFFICERS COMMENTS

Matters of deeds and covenants, devaluation of property and parking are considered in the report.

There is nothing in local or national planning policy with regards to the demographic of the children who would occupy the property.

26. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- Anti social behaviour
- Business model relies on cost minimisation – the dwelling will become run down and neglected
- Residents currently park one or two cars on the Close - increased traffic will impact on safety
- Business model based on gaining social services contracts nationwide employing agency staff – results in lack of care, responsibility and control by staff leading to anti social behaviour and noise
- The proposal goes against Social care policy as it is based on a business proposal

PLANNING OFFICERS COMMENTS

Potential anti-social behaviour and parking is considered within the officer recommendation report.

Commercial business matters are not material planning matters.

27. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- Overlooking from neighbouring properties
- The garage office in the garage is being converted back to the garage – where will paperwork/policies be securely kept
- Additional traffic from visitors, police delivery drivers and impact on highway
- Anti social behaviour and drugs
- Dusk to dawn lighting may be obtrusive to neighbours

- Conversion back to garage will not ease parking issues
- Site is not suitable for a children's home - Noise and disruption impact
- No confidence that commitments in updated application will be enforceable
- Residents will feel vulnerable and fearful
- Commercial use would devalue properties

PLANNING OFFICERS COMMENTS

Matters of location, parking, traffic amenity and devaluation of properties are considered within the officer recommendation report. Condition 5 of the officer recommendation report requires the submission of details of external lighting to safeguard neighbouring properties from undue light spill

28. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- Current issues with on street parking would be exacerbated
- On street parking and access for emergency vehicles and bin lorries
- It is not possible to convert the office building back to a garage – there is a solid wall in front of the garage door
- Noise impacts
- This is not the right area for such a home/business – lack of privacy distance from amenities and services
- Anti social behaviour alcohol and drug misuse
- Photos showing on street parking have been provided

PLANNING OFFICERS COMMENTS

Appropriateness of location, highways and parking matters impact on amenity are considered in the officer recommendation report.

29. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- Increased traffic
- Increased noise
- No facilities for teenagers resident at the property – inappropriate environment

- for integrating young people into the community
- Agreement with developers to prevent business use

PLANNING OFFICERS COMMENTS

Matters of noise, traffic and restriction of business use by the developers have been considered in the officer recommendation report.

There will be appropriate quantities of open space and play area as required to service the use of the residential properties on Princes Place development

30. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

- Professionals visiting the site need to book visits in advance - for safeguarding reasons some will make unannounced visits - This will cause increased vehicle movements
- Cllr Brennan's comments have been edited in the report and therefore are misrepresented.
- Highways have failed to recognise the difference between C3 dwelling and C2 children's home and don't take account of additional vehicle movements associated with a children's home estimated at being 60-70 per week – has the Council considered vehicle movements of other children's homes
- 24 hour shifts are challenging and difficult to maintain – queries what EH have assessed shift patterns suitability potential noise nuisance – noise management plan
- Arrangement for staff breaks is not feasible – the manager may not be on site or in school holidays
- Narrow approach in terms of the planning system and how the property is managed – how will this impact on parking vehicular movements and amenity issues need to be considered as part of the management – the condition that the property should be managed in accordance with the management plan etc contradicts the previous statement
- Reference is made to the owner and appropriate authority to regulate the facilities – who is this -OFSTED
- Demographics of the children should be primary factors in the assessment of risks assessment and management plans
- Issues at other homes are likely to arise again at this site – has the authority looked at other issues in the companies wider portfolio
- Reference is made to the homes management plan this has not been submitted – there is a business plan and emails relating to management of the home which do not constitute a management plan
- There is nothing in the officer recommendation that prevents the applicant for

changing how the home would be run – could any permission be time limited to allow a review of impacts.

PLANNING OFFICERS COMMENTS

Matters of visitors to the site, parking and highway matters, the demographic of the children are considered in the officer recommendation report.

The agent has confirmed that working hours policy is in line with employment law

The ward member comments referred to appear to be those of Councillor Upton. These have been summarised but state objections are raised. The management details of the property are stated within the correspondence referred to in condition 3 of the officer recommendation report. This also restricts the occupancy of the property to no more than 2 no. children and 2 staff the home would be registered and regulated by Ofsted and managed in accordance with their regulations.

With reference to other homes the application has to be assessed on its own merits. Given the number of children, staff and the 6 weekly visits by social works it is not expected that given the scale of the use would be materially significantly different to the use of the property as a 4 bedroom dwelling. A temporary permission is not considered reasonable bearing this in mind.

31. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Parish Council

SUMMARY OF MAIN POINTS:

Reiterates previous objections

PLANNING OFFICERS COMMENTS

These have been considered in the officer recommendation report.

23/02298/OUT

Applicant Kerri Whittaker and Richard Whittaker

Location The Manor House ,1 Owthorpe Road, Cotgrave

Proposal Outline application for proposed residential development of up to 5 no. dwellings with all matters reserved except for access

Ward Cotgrave

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Update to Conditions.
RECEIVED FROM: Officers.

SUMMARY OF MAIN POINTS:

The 'Structural Engineers Report' listed in Condition 3 is not the most up-to-date report. A revised report was received, and dated, 16th February 2024.

PLANNING OFFICERS COMMENTS:

Condition 3 shall be amended, as below.

The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

- 1158/H01 Rev B – Access Road General Arrangement. Dated 13.12.23. (Notwithstanding the indicative general arrangement)
- 1158/D01 Rev B – General Arrangement. Dated 13.12.23. (Notwithstanding the indicative general arrangement)
- Structural Engineers Report, ref; P16-200, completed by HWA Consulting Engineers and dated 16 February 2024.
- Archaeological Desk-Based Assessment & Impact Assessment, ref; TJC2023.175 v1.0, completed by TJC Heritage LTD and dated November 2023.
- Historic Building Recording, ref; TJC2023.184 v1.0, completed by TJC Heritage LTD and dated November 2023. • Tree Survey, completed 1 December 2022 and updated 14 April 2023, completed by AT2 Tree Surveys.

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].